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Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-seventh session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

Côte d'Ivoire

1. The Committee considered the initial report of Côte d'Ivoire (CRC/C/8/Add.41), received on 22 January 1999, at its 711th and 712th meetings (CRC/C/SR.711 and 712), held on 31 May 2001 and adopted, at the 721st meeting held on 8 June 2001, the following concluding observations.

A. Introduction

2. While the Committee welcomes the State party's initial report, it regrets that it does not fully follow the guidelines established by the Committee. The Committee welcomes the timely submission of the written replies to its list of issues (CRC/C/Q/COT/1) which allowed for a clearer understanding of the situation of children in the State party. The Committee also notes the constructive, open and frank dialogue it had with the delegation of the State party. The Committee notes with appreciation the high level and the diversity of the delegation, which covered the major issues of the Convention, and welcomes the positive reactions to the suggestions and recommendations made during the discussion.

B. Positive aspects

3. The Committee welcomes the enactment of the new Constitution of 1 August 2000, which contains provisions on human rights for the protection of children and abolishes the death penalty (which used to be applicable to children from 16 years of age).

4. The Committee also welcomes the conclusion, on 1 September 2000, of a bilateral agreement with the Republic of Mali prohibiting trafficking of children between these two States parties.

5. The adoption in 1992 of a national plan of action for the survival, protection and development of Ivorian children for the year 2000, the national plan for health development adopted in November 1996 and the establishment of a committee to consider the plight of children orphaned by AIDS are positive steps for the implementation of the Convention on the Rights of the Child.

6. Finally, the Committee notes with interest the adoption of the law on female genital mutilation (1998), the Education Act (1995) and the Labour Code (1995).

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee acknowledges that the economic, political and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. The Committee further notes that the limited availability of skilled human resources also adversely affects the full implementation of the Convention. The Committee is also concerned at the negative effects of the recent unrest in the State party on the implementation of the Convention.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Legislation

8. The Committee notes that a study was undertaken to identify the inconsistencies between domestic legislation and the Convention, but remains concerned, however, that domestic legislation, and in particular customary law, still does not fully reflect the principles and provisions of the Convention.

9. The Committee encourages the State party to take all necessary measures to ensure that its domestic legislation conforms fully to the principles and provisions of the Convention. In that respect, the Committee recommends that the State party continue its efforts to adopt a comprehensive code on the rights of the child. It also encourages the State party to ratify the African Charter on the Rights and Welfare of the Child. Moreover, the Committee recommends that the State party address in more depth the problem of customary law that is inconsistent with the Convention on the Rights of the Child.

Coordination

10. While the Committee notes that the Ministry for Family, Women and Children is in charge of the coordination of governmental action on questions relating to children, it is concerned at the lack of an inter-institutional mechanism responsible for the coordination at the national level, and particularly at the local level, of the promotion and implementation of the Convention.

11. The Committee recommends that the State party take all necessary measures to allocate principal responsibility for the coordination of the implementation of the Convention to a single body or mechanism. For this purpose, the Committee also recommends that adequate human and financial resources be allocated and appropriate measures be taken to include NGOs.

Independent monitoring structures

12. The Committee takes note of decree No. 2000-830 of 22 November 2000 establishing a National Human Rights Commission, and the project to establish a national monitoring body. While welcoming the fact that human rights associations have the right to submit cases to the Constitutional Council, the Committee emphasizes the importance of setting up an independent mechanism with a mandate to regularly monitor and evaluate progress in the implementation of the Convention at the local and national levels.

13. The Committee encourages the State party to consider the establishment of an independent national human rights institution, in accordance with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134), to monitor and evaluate progress in the implementation of the Convention at the national and, if appropriate, at the local level. In addition, the institution should be empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner, and effectively address them. The Committee encourages the State party to seek technical assistance from, among others, OHCHR and UNICEF.

Budget and financial resources for children

14. While noting the priorities set by the State party on policies for children, notably the efforts to increase the budget allocated to education, the Committee expresses its concern that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the "maximum extent of ... available resources" of the economic, social and cultural rights of children.

15. While recognizing that economic conditions are difficult, the Committee recommends that the State party make every effort to increase the proportion of the budget allocated to children's rights and, in this context, to ensure the provision of appropriate human resources and guarantee that the implementation of policies regarding children are a priority. The Committee also recommends that the State party develop ways to undertake a systematic assessment of the impact of budgetary allocations on the implementation of child rights, and to collect and disseminate information in this regard.

Data collection

16. The Committee is concerned at the lack of systematic and comprehensive collection of disaggregated data for all areas covered by the Convention and in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

17. The Committee recommends that the State party develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age, indigenous and minority group, and urban and rural area. This system should cover all children up to the age of 18 years with specific emphasis on those who are particularly vulnerable, including child victims of abuse, neglect, or ill-treatment; children with disabilities; children belonging to ethnic groups; refugee and asylum-seeking children; children in conflict with the law; working children; adopted children; and children living in the streets and in rural areas. It further encourages the State party to use these indicators and data for the formulation of policies and programmes for the effective implementation of the Convention.

Dissemination of training on the Convention

18. While aware of the measures undertaken to promote widespread awareness of the principles and provisions of the Convention, the Committee is of the opinion that these measures need to be strengthened and systematized. In this respect, the Committee is concerned at the lack of a systematic plan to introduce training and awareness among professional groups working for and with children.

19. The Committee recommends that the State party strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights through social mobilization. It also recommends that the State party translate the Convention into all national languages in order to reach the whole population. Moreover, the Committee encourages the State party to undertake systematic education and training on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers. Technical assistance from, among others, OHCHR and UNICEF could be requested in this regard.

2. Definition of the child

20. While noting the various proposals currently under discussion, the Committee expresses concern at the disparity between the age of majority in civil matters (21 years) and in penal matters (18 years). It also considers that the minimum age for criminal responsibility (10 years), is too low and remains concerned at the difference between the minimum legal age for marriage of boys (20 years) and that of girls (18 years). Moreover, the Committee is deeply concerned that no minimum age has been set for the end of compulsory education and that the practice of early marriage is still widespread.

21. The Committee recommends that the State party review its legislation with a view to eliminating all disparities regarding minimum-age requirements, and that it make greater efforts to enforce the requirements. It also strongly recommends that the State party set a minimum age for the end of compulsory education and develop sensitization programmes to curb the practice of early marriage.

3. General principles

Non-discrimination

22. While noting that discrimination is prohibited under the Constitution, the Committee is concerned at the persistence of discrimination in the State party. In particular, the Committee is concerned at the occurrence of discrimination against non-citizen children, children with disabilities, children born out of wedlock, children from ethnic minorities, Muslim children and girls; the Committee is particularly concerned about the low participation rate of girls in education. Moreover, the Committee is concerned at the discrepancies in the enjoyment of rights by certain vulnerable groups: children living in rural areas, refugee children, children from poor families, and children living and/or working on the streets.

23. In light of article 2 of the Convention, the Committee recommends that the State party make concerted efforts at all levels to address discrimination, notably discrimination based on gender, disability, religion, and national, ethnic or social origin, through a review and reorientation of policies, including increased budgetary allocations for programmes targeting the most vulnerable groups. The Committee encourages the State party to ensure effective law enforcement, undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination, where needed within the framework of international cooperation.

The right to life, survival and development

24. The Committee is deeply concerned at the situation of children born of incarcerated mothers, as both have very limited access to health services.

25. The Committee recommends that the State party take all necessary measures to ensure that children born in prison and their mothers are provided access to health services.

Respect for the views of the child

26. While welcoming the existence of a Children's Parliament, the Committee is concerned that respect for the views of the child remains limited within the family, in schools, in the courts and in the society at large, due to traditional attitudes.

27. The Committee encourages the State party to promote and facilitate, within the family, the school, the courts and administrative bodies, respect for the views of children and their participation in all matters affecting them in accordance with their evolving capacity, in light of article 12 of the Convention. The Committee also recommends that the State party provide educational information to, among others, parents, teachers, government administrative officials, the judiciary and the society at large on children's rights to participate and to have their views taken into consideration.

4. Civil rights and freedoms

Birth registration

28. While the Committee welcomes the efforts undertaken by the State party to raise awareness of and extend the deadline for the registration of birth, it remains very concerned at the large number of children whose birth is not registered.

29. In the light of article 7 of the Convention, the Committee urges the State party to make every effort to ensure the registration of all children at birth, including through the continuation of awareness raising campaigns.

Ill-treatment

30. While welcoming the inclusion of a provision in the new Constitution prohibiting torture or other cruel, inhuman or degrading treatment and punishment, the Committee is concerned at the extremely poor conditions of detention for children, amounting in many instances to cruel, inhuman and degrading treatment as spelled out in article 37 (a) of the Convention.

31. The Committee urges the State party to take all necessary measures to improve the conditions of detention of children in prisons and to ensure that each case of violence and abuse is duly investigated in order to avoid impunity being enjoyed by the perpetrators.

5. Family environment and alternative care

Recovery of children's maintenance allowance

32. While domestic legislation includes provision for maintenance allowance (Marriage Act and Divorce Act), the Committee is concerned at the lack of implementation of these provisions due mainly to widespread ignorance of the law.

33. The Committee recommends that the State party make widely known the provisions of domestic legislation concerning maintenance allowance, notably to women who are illiterate, and that it ensure that professional groups dealing with this issue are adequately trained and that the courts are stricter regarding the recovery of allowances from solvent parents who refuse to pay.

Children deprived of their family environment

34. The Committee is very concerned that current facilities available for the alternative care of children deprived of their family environment are insufficient and that many children do not have access to such assistance. In addition, the Committee expresses concern at the lack of appropriate training of staff and of a clear policy regarding the review of placements of children in alternative care.

35. The Committee recommends that the State party urgently adopt a programme to strengthen and increase alternative care opportunities for children including, inter alia, the reinforcement of existing structures, the improved training of staff and the allocation of increased resources to relevant bodies. The Committee recommends that the State party seek assistance from UNICEF in this regard.

Protection from abuse and neglect

36. While noting the establishment of a national committee to combat violence against women and children, the Committee is concerned at the incidence of abuse, including sexual abuse, and neglect of children in the State party, and that insufficient efforts have been made to protect children. The Committee is also particularly concerned at the high level of domestic violence and at sexual abuse of girls in schools, which leads to a high rate of primary and secondary school drop-out. In addition, the Committee is concerned at the lack of appropriate financial and human resources and the lack of adequately trained personnel to prevent and combat physical and sexual abuse.

37. In light of article 19 of the Convention, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and child abuse, including sexual abuse, in order to understand the scope and nature of these practices, to adopt effective measures and policies, and to contribute to changing attitudes. The Committee also recommends that cases of domestic violence and sexual abuse at schools be properly investigated through a child-sensitive judicial procedure, and that the perpetrators be sanctioned, with due regard for the right to privacy of the child. The Committee also recommends that appropriate weight be given to children's views in legal proceedings; that support services be provided to child witnesses in legal proceedings; that provision be made for the physical and psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention; and that measures be taken to prevent the criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from, among others, UNICEF.

6. Basic health and welfare

38. While taking note of the 1996 National Plan for Health Development, the Committee is deeply concerned at the extremely high and increasing infant mortality rates and low life expectancy in the State party, as well as at the low rates of breastfeeding. The Committee also remains concerned that health services in the districts and local areas continue to lack adequate resources (both financial and human). In addition, the Committee is concerned that the survival

and development of children within the State party continue to be threatened by early childhood diseases such as acute respiratory infections and diarrhoea. Concern is also raised by the poor situation of sanitation and the insufficient access to safe drinking water, especially in rural communities.

39. The Committee recommends that the State party reinforce its efforts to allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of children, particularly in rural areas. In this context, the Committee recommends that the State party facilitate greater access to primary health services; reduce the incidence of maternal, child and infant mortality; prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children; promote proper breastfeeding practices; and increase access to safe drinking water and sanitation. Additionally, the Committee encourages the State party to pursue additional avenues of cooperation and assistance for child health improvement with, among others, WHO and UNICEF.

Adolescent health

40. The Committee is concerned that insufficient attention has been given to adolescent health issues, including developmental, mental and reproductive health concerns, and substance abuse. The Committee is also concerned at the particular situation of girls, for instance the very high rate of early marriage which can have a negative impact on their health.

41. The Committee recommends that the State party undertake a comprehensive study in order to understand the nature and extent of adolescent health problems, with the full participation of adolescents, and use this as a basis for the formulation of adolescent health policies and programmes, with particular attention to female adolescents.

HIV/AIDS

42. While noting the existence of the National Programme for the Control of AIDS, Sexually Transmitted Infections and Tuberculosis, the establishment of a special Ministry on HIV/AIDS, and the setting up of a committee on HIV/AIDS orphans, the Committee remains extremely concerned at the alarmingly high incidence and increasing prevalence of HIV/AIDS amongst adults and children and the resulting large number of children orphaned by HIV/AIDS. The Committee is concerned at the lack of alternative care for these children. The Committee is also deeply concerned at the large number of teachers dying of HIV/AIDS in the State party.

43. The Committee recommends that the State party increase its efforts to prevent HIV/AIDS and take into consideration the recommendations adopted by the Committee on its day of general discussion on "Children living in a world with HIV/AIDS" (CRC/C/80, para. 243). The Committee also urges the State party to consider ways of minimizing the impact upon children of the HIV/AIDS-related deaths of parents, teachers and others, in terms of children's reduced access to a family life, to adoption, to emotional care and to education. The Committee recommends that the State party seek technical assistance from, among others, UNAIDS.

Traditional harmful practices

44. While welcoming the adoption of a new law on female genital mutilation (1998), the Committee is concerned at the widespread nature of this practice in the State party.

45. The Committee urges the State party to continue its efforts to end the practice of female genital mutilation, inter alia through enforcement of legislation and implementation of programmes sensitizing the population about its harmful effects. The Committee recommends that the State party take advantage of the efforts in this regard made by other States in the region.

Children with disabilities

46. Noting the current efforts by the State party (in particular Act No. 98-594 of 10 November 1998), the Committee is concerned at the situation of children with physical and mental disabilities, and in particular at the limited specialized health care and educational and employment possibilities available for them. The Committee is further concerned that poor health and poverty are leading to an increase in the number of children with disabilities.

47. The Committee recommends that the State party review the situation of children with disabilities in terms of their access to suitable health care, educational services and employment opportunities, and that the State party establish a programme of action to address all areas of concern through an inclusive policy. The Committee recommends in addition that the State party take note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (see CRC/C/69). The Committee further recommends that the State party sensitize the population to the human rights of children with disabilities. The Committee also suggests that the State Party seek assistance from, among others, UNICEF and WHO.

Standard of living

48. The Committee acknowledges the State party's efforts to broaden the coverage of the social security system and joins the State party in expressing concern at the limited access to such assistance. The Committee also notes the survey on the negative impact of devaluation on vulnerable populations in Abidjan.

49. The Committee encourages the State party to revise its social policy by improving its drug policy and by facilitating access to primary health care. Similarly, the Committee recommends that the State party promote access to education and adequate housing in order to assist poor families and their children to improve their living conditions.

7. Education, leisure and cultural activities

50. While noting the adoption of the Education Act (1995) and of a national programme for the development of education (2000), as well as the current project to make education free and compulsory for all up to the age of 16 years, the Committee remains deeply concerned that primary education is not compulsory and free for all in the State party. The Committee is also concerned at the low education levels among children in the State party, gender and rural-urban disparities in school attendance, the limited access of children with disabilities to formal or vocational educational opportunities, the number of children who are several years behind in their primary education, and the high drop-out rate of children who do attend school. The Committee also expresses concerns at the fact that Koranic schools are placed under the authority and administration of the Ministry of the Interior.

51. The Committee urges the State party to adopt and implement the project to make primary education free to all and compulsory. The Committee also recommends raising the level of educational achievement among children through, inter alia, increasing the number of available schools and classes, providing for the initial and ongoing training of more teachers and school inspectors, developing standard national textbooks, increasing the rates of enrolment and providing assistance with school fees, uniforms and other equipment for poor families. The Committee urges the State party to seek international assistance in this regard, including from UNICEF. The Committee recommends in addition that the State party ensure that children with disabilities have access to formal and vocational educational opportunities and that every effort be made to ensure that girls and boys, as well as children from urban and rural areas, have equal access to educational opportunities. In this regard, the Committee recommends that the State party seek assistance from UNICEF and UNESCO. Furthermore, the Committee recommends that the State party take appropriate measures to ensure that Koranic schools respect national school curricula and aims of education and are placed under the authority of the Ministry for Education.

52. The Committee recommends, in addition, that the State party pursue its efforts to include "education for peace and tolerance", children's rights and other human rights subjects in the curricula of primary and secondary schools, and that assistance be requested from UNICEF and UNESCO in this regard.

8. Special protection measures

Economic exploitation, including child labour

53. The Committee is deeply concerned at the fact that child labour in the State party is widespread and that children may be working long hours at young ages, which has a negative effect on their development and school attendance.

54. The Committee recommends that the State party make every effort to ratify and implement ILO Convention (No. 138) on the Minimum Age for Admission to Employment and ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Committee recommends that the State party seek assistance from ILO/IPEC in this regard.

Sale, trafficking and abduction

55. While noting the efforts undertaken by the State party within its Plan of Action to fight child trafficking, the Committee remains deeply concerned at the large number of child victims of trafficking for the purpose of exploitation in the State party's agricultural, mining and domestic service sectors and other forms of exploitation.

56. The Committee strongly encourages the State party to pursue its efforts in implementing the bilateral agreement with the Government of Mali and in extending this experience to other concerned countries. In addition, the Committee recommends that measures such as a comprehensive programme to prevent and combat the trafficking and sale of children be taken on an urgent basis, including an awareness raising campaign and educational programmes.

Children living in the streets

57. While welcoming the establishment of a national programme for the social settlement and resettlement of street children, the Committee remains concerned at the increase in the number of children living in the streets.

58. The Committee recommends that the State party make operational the inter-ministerial committee and the multidisciplinary national commission to ensure that children living in the streets are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development. Moreover, the State party should ensure that these children are provided with rehabilitation services for physical, sexual and substance abuse, protection from police brutality, and services for reconciliation with their families.

Asylum-seeking and refugee children

59. The Committee welcomes the efforts undertaken by the State party to integrate refugee children into the society, in particular through their enrolment in the Ivorian basic education system. It nevertheless remains concerned about the difficult situation encountered by child refugees and their families.

60. The Committee recommends that the State party strengthen the legal protection of refugee children and implement the project agreement with UNHCR. The Committee encourages the State party to continue and expand its cooperation with international agencies such as UNHCR and UNICEF.

Administration of juvenile justice

61. While recognizing the State party's efforts in this domain, the Committee remains concerned at the limited progress achieved in establishing a functioning system of juvenile justice throughout the country. In particular, the Committee is concerned at the small number of juvenile courts, judges and social workers. In addition, the Committee is deeply concerned about the poor conditions of detention, due notably to overcrowding, the overuse of pre-trial detention, the low minimum age of criminal responsibility (10 years), the lengthy periods before juvenile cases can be heard and, the absence of assistance towards the rehabilitation and reintegration of juveniles following judicial proceedings.

62. The Committee recommends that the State party take additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty.

63. In addition, the Committee recommends that the State party:

(a) Undertake all necessary measures to ensure that juvenile courts are accessible to children in all regions of the State party;

(b) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty and monitor their conditions of detention; and ensure that children remain in regular contact with their families while in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(d) Make every effort to establish a programme of rehabilitation and reintegration of juveniles following judicial proceedings;

(e) Request technical assistance in the area of juvenile justice and police training from, among others, OHCHR, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

Optional Protocols

64. The Committee encourages the State party to ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.

Dissemination of documentation

65. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State Party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations. The Committee recommends that the State Party request international cooperation in this regard.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

**Concluding observations of the Committee on the
Rights of the Child**

United Republic of Tanzania

1. At its 713th and 714th meetings (see CRC/C/SR.713 and 714), held on 1 June 2001, the Committee on the Rights of the Child considered the revised initial report of the United Republic of Tanzania (CRC/C/8/Add.14/ Rev.1), which was submitted on 20 October 1999. Tanzania's initial report was submitted in 1994, but the Committee requested a more comprehensive report following the guidelines for the submission of State party reports. The Committee adopted at the 721st meeting, held on 8 June 2001, the following concluding observations with respect to the revised initial report of Tanzania.

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A. Introduction

2. The Committee welcomes the submission of the State party's revised initial report which followed the established guidelines. The Committee welcomes the written replies to its list of issues (CRC/C/Q/TAN/1) which allowed for a clearer understanding of the situation of children in the State party. The Committee is encouraged by the constructive dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

B. Positive aspects

3. The Committee welcomes the recent amendments (2000) to the Constitution and other domestic legislation which allowed for the enactment of the Commission for Human Rights and Good Governance Act 2001.

4. The Committee welcomes the Child Development Policy which gives direction on how children's issues should be handled and given priority in accordance with the Convention. The Committee also welcomes the Tanzania Development Vision 2025 and the Poverty Reduction Strategy Programme which are intended inter alia, to improve the standard of living of children.

5. The Committee notes with satisfaction that the State party is one of three countries worldwide that has committed itself to a time-bound programme to eliminate the worst forms of child labour, starting in mid-2001.

6. The Committee welcomes the enactment of the Sexual Offences (Special Provisions) Act of 1998 which provides greater protection for women and children against sexual abuse and exploitation.

7. The Committee welcomes the establishment in 1997 of the State party's first juvenile court and notes the intention to create juvenile courts in each region of the country.

8. The Committee notes that the State party encourages the active participation of NGOs in promoting and implementing children's rights and that NGOs were invited to participate in the preparation of the State party's report.

C. Factors and difficulties impeding the implementation of the Convention

9. The Committee acknowledges that the economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular, it notes the impact of the structural adjustment programme, high external debt payments, and increasing levels of unemployment and poverty within the State party. The Committee further notes that the limited availability of skilled human resources also adversely affects the full implementation of the Convention.

D. Subjects of concern and recommendations

1. General measures of implementation

Legislation

10. The Committee is encouraged by the commitment expressed by the State party to incorporate the general principles of the Convention into all domestic legislation relevant to children. The Committee notes that a review of domestic law was undertaken by the Law Reform Commission to determine any inconsistencies with the Convention and that efforts have been made to introduce some of the recommendations of the Commission. However, the Committee remains concerned that domestic, applied Islamic and customary law still do not fully comply with the provisions and principles of the Convention.

11. The Committee recommends that the State party reinforce its efforts to ensure that domestic law, including Islamic and customary law, fully conforms with the provisions and principles of the Convention on the Rights of the Child. The Committee encourages the State party to consider adopting a comprehensive children's code which would include the principles of the Convention, with a view to enhancing a rights based approach. In this regard, the Committee further recommends that the State party seek technical assistance from, among others, OHCHR and UNICEF.

Coordination

12. While the Committee notes that the Ministry of Community Development, Women Affairs and Children is the agency responsible for coordination and implementation of the Convention on the mainland, it is concerned about the insufficient authority delegated and inadequate resources allocated for the effective functioning of the Ministry. While noting that the Ministry of State, Women and Children is responsible for coordinating the implementation of the Convention in Zanzibar, the Committee expresses concern about the lack of a comprehensive approach between Zanzibar and the mainland in coordinating and implementing the Convention.

13. The Committee recommends that the State party take all effective measures to strengthen the mandate and resources (financial and human) of the Ministry of Community Development, Women Affairs and Children to facilitate effective coordination of planning and implementation of the Convention at the national and local levels. The Committee encourages the State party to take all effective measures to ensure a comprehensive approach in coordinating the implementation of the Convention on the mainland and in Zanzibar.

Data collection

14. The Committee is concerned that the data collection mechanism within the State party does not ensure the adequate collection of disaggregated data on all aspects of the Convention, monitor and evaluate progress achieved, and assess the impact of policies adopted with respect to children.

15. The Committee recommends that the State party strengthen its efforts to establish a comprehensive mechanism to collect data, disaggregated by gender, age, minority and rural/urban residence. The State party should also develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of children's policies. The data collection mechanism should incorporate all the areas covered by the Convention and cover all children below the age of 18 years, with specific emphasis on those who are particularly vulnerable. In this context, the Committee recommends that the State party seek technical assistance from, among others, UNFPA and UNICEF.

Independent monitoring mechanisms

16. While the Committee welcomes the Commission for Human Rights and Good Governance Act 2001, it expresses concern about the accessibility and availability of this new mechanism to all children in all regions of the State party.

17. The Committee suggests that the State party take all effective measures to ensure that the Commission for Human Rights and Good Governance is easily accessible and child-sensitive and that it can deal effectively with complaints of violations of the rights of children and provide remedies for such violations, in all regions of the country. The Committee further suggests that the State party conduct an awareness raising campaign about the Commission and to facilitate its effective use by children. The Committee encourages the establishment of a focal point on children within the Commission for Human Rights and Good Governance to monitor children's rights.

Allocation of budgetary resources

18. While the Committee is aware of the economic challenges faced by the State party, including increasing poverty levels and high debt payments, it is concerned that in light of article 4 of the Convention, not enough attention has been paid in allocating budgetary resources, at both the national and local levels and in the best interests of children, "to the maximum extent of ... available resources".

19. In light of articles 2, 3, and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, especially economically and geographically disadvantaged groups, to the maximum extent of available resources (at the national and local levels) and, where needed, within the framework of international cooperation.

Dissemination of the Convention

20. The Committee notes the initiatives of the State party to promote awareness of the principles and provisions of the Convention, including the translation of the Convention into Kiswahili; the introduction of children's rights into the curricula of schools and community development and social welfare institutes; and the production of animated videos and cartoon characters such as Sara, which promotes the positive development of girls. However, the Committee is concerned that professional groups, children, parents and the general public are still not sufficiently aware of the Convention and the rights-based approach enshrined therein.

21. The Committee recommends that the State party strengthen its efforts to ensure that the principles and provisions of the Convention are widely known and understood by adults and children alike. In this regard, the Committee recommends the reinforcement of adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists and social workers, personnel of child-care institutions, and traditional or community leaders. The Committee recommends that the State party incorporate human rights, especially the Convention on the Rights of the Child, into the school curricula at all levels. The Committee encourages the State party to continue to promote the principles of the Convention through the use of multi-media and traditional methods of communication. In this regard, the Committee further suggests that the State party seek technical assistance from, among others, UNHCR and UNICEF.

2. Definition of the child

22. The Committee is concerned about the various legal minimum ages, which are inconsistent, discriminatory and/or too low.

23. The Committee recommends that the State party take the necessary legislative measures to:

(a) Increase the legal age for criminal responsibility;

(b) Establish a clear minimum age for marriage which should be the same for boys and girls;

(c) Bridge the gap between the minimum age for work (15 years) and the age at which compulsory education ends (13 years), preferably by increasing the latter.

Death penalty and life imprisonment

24. The Committee notes with concern that the law does not explicitly prohibit the use of the death penalty or life imprisonment for children below the age of 18 years.

25. The Committee strongly encourages the State party to establish by law the prohibition of the use of the death penalty and life imprisonment for children below the age of 18 years.

3. General principles

Non-discrimination

26. The Committee notes with concern that the principle of non-discrimination is not adequately implemented with respect to certain vulnerable groups of children, especially girls (including their inheritance rights), children born out of wedlock (including their maintenance and inheritance rights), young mothers (particularly those belonging to Islamic communities and those living in Zanzibar, including their right to inherit and own property), children with disabilities, children of economically disadvantaged families, children in conflict with the law, children living in institutions, children living and/or working on the streets, child victims of abuse, refugee and asylum-seeking children, children belonging to ethnic minorities, children living in rural areas, and those belonging to pastoralist communities. The Committee is particularly concerned about their limited access to adequate health, education and other social services.

27. The Committee recommends that the State party take all effective measures to implement laws, policies and programmes to guarantee the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to vulnerable groups of children.

Best interests of the child

28. The Committee is concerned that the general principle of the best interests of the child (art. 3) has not been taken fully into account in the State party's legislative, administrative and judicial decisions, as well as in policies and programmes relevant to children.

29. The Committee recommends that the State party take all appropriate measures to ensure that the general principle of the best interests of the child is appropriately integrated in all legislation, as well as judicial and administrative decisions and in projects, programmes and services which have an impact on children, especially those relating to marriage, custody, maintenance and inheritance rights.

Right to life, survival and development

30. The Committee expresses concern that the severe impact of HIV/AIDS, mounting economic challenges and other socio-economic difficulties continue to threaten the right to life, survival and development of children within the State party.

31. **The Committee encourages the State party to take all effective measures to provide greater protection and support to children whose right to life, survival and development is unduly threatened by the difficult socio-economic realities of the State. In this connection, the Committee recommends that the State party take all effective measures to strengthen its technical cooperation with, among others, UNICEF.**

Respect for the views of the child

32. While the Committee notes the efforts of the State party, including its support for a children's parliament, it is concerned that traditional practices and attitudes still limit the full implementation of article 12 of the Convention.

33. **The Committee recommends that the State party develop a systematic approach to increasing public awareness of the participatory rights of children, particularly at the local level and in traditional communities, and encourage respect for the views of the child in families, schools and the care and judicial systems.**

4. Civil rights and freedoms

Birth registration

34. The Committee notes that the law provides for the registration of children at birth and that the State party has initiated campaigns to raise awareness about the importance of birth registration. However, it is concerned that most children, particularly those born at home and those living in rural communities, are not registered.

35. **In light of articles 7 and 8 of the Convention, the Committee recommends that the State party undertake appropriate measures, including awareness raising among government officers, midwives, community and religious leaders, and parents themselves, to ensure that all children are registered at birth. The Committee encourages the State party to introduce practical measures to facilitate birth registration, such as the introduction of mobile birth registration units.**

Police brutality

36. The Committee is concerned about the incidence of police brutality, particularly against children living and/or working on the streets, refugee children and those in conflict with the law. Concern is also expressed at the inadequate enforcement of existing legislation to ensure that all children are treated with respect for their physical and mental integrity and their inherent dignity.

37. The Committee strongly recommends that all appropriate measures be taken to fully implement the provisions of articles 37(a) and 39 of the Convention. In this regard, the Committee further recommends that greater efforts be made to prevent police brutality and facilitate the recovery of child victims through, inter alia, rehabilitation and compensation. Additionally, it is recommended that the State party take effective measures to ensure that the perpetrators of brutality against children are brought to justice.

Corporal punishment

38. The Committee notes with regret that the law does not prohibit the use of corporal punishment as a sentence for children and youth in the juvenile justice system. Concern is also expressed that this type of punishment continues to be practised in schools, families and care institutions.

39. The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment within the juvenile justice system, schools and care institutions as well as in families. The Committee encourages the State party to intensify its public awareness campaigns to promote positive, participatory, non-violent forms of discipline as an alternative to corporal punishment at all levels of society.

5. Family environment and alternative care

Protection of children deprived of a family environment

40. The Committee expresses concern at the increasing number of children deprived of a family environment, including AIDS orphans. Concern is also expressed at the inadequate facilities and services for children deprived of a family environment, the absence of an independent complaint mechanism for children in alternative care institutions, the inadequate review of their placement in institutions as well as the lack of available trained personnel in this field. The Committee notes with concern the absence of a code of standards for alternative care institutions for children. Concern is also expressed at the insufficient financial and human resources allocated for alternative care.

41. The Committee recommends that the State party take effective measures to improve alternative care, including through the allocation of adequate financial and human resources. It further recommends that the State party provide additional training, including in children's rights, for social and welfare workers, ensure the periodic review of placements in institutions and establish an independent complaints mechanism for children

in alternative care institutions. Additionally, the Committee recommends that the State party establish and implement a code of standards to ensure adequate care and the protection of children deprived of a family environment.

Adoptions and foster care

42. While noting that the Adoption Ordinance provides for the regulation of adoptions (domestic and intercountry), the Committee expresses concern that informal adoptions are more widely accepted and practised within the State party. The Committee also notes the insufficient efforts to establish an effective foster care programmes within the State party.

43. In light of article 21 of the Convention, the Committee recommends that the State party introduce adequate administrative procedures for formal domestic adoptions, in order to prevent the abuse of the practice of informal adoption and guarantee the protection of the rights of children in this regard. In light of the increasing number of children deprived of a family environment, the Committee encourages the State party to promote and encourage formal adoptions and to establish an effective foster care programme. Additionally, the Committee encourages the State party to consider the possibility of acceding to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

Abuse/neglect/abandonment/maltreatment/violence

44. While the Committee notes the efforts of the State party, including the recent enactment of the Sexual Offences Special Provisions Act (1998), it is concerned about the high and increasing incidence of sexual abuse of children, including within the family. The Committee also expresses concern at the lack of awareness and information on domestic violence, ill-treatment and abuse (sexual, physical and psychological) of children; and the insufficient financial and human resources allocated to programmes to prevent and combat all forms of abuse against children and to rehabilitate child victims in this regard.

45. In light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse (including sexual abuse within the family) in order to adopt adequate policies and contribute to changing traditional attitudes. The Committee encourages the State party to consider introducing mandatory reporting of abuse, including sexual abuse of children. It also recommends that cases of domestic violence, ill-treatment and abuse of children be properly investigated within a child-sensitive judicial procedure and sanctions applied to the perpetrators, with due regard given to protecting the right to privacy of the child. In accordance with article 39 of the Convention measures should be taken to ensure the rehabilitation of victims, as well as the perpetrators. Efforts should also be made to prevent the criminalization and stigmatization of child victims of abuse. The Committee encourages the State party to continue its regional cooperation in combating all forms of violence against women and children. The Committee recommends that the State party seek technical assistance from, among others, UNICEF and UNDP.

6. Basic health and welfare

Right to health and access to health services

46. While the Committee notes the reforms under way in health care, including the introduction of the integrated management of childhood diseases (IMCI), it remains concerned about the limited access to basic health care, related largely to the introduction of user fees in health; the insufficient number of trained medical personnel; the high incidence of malaria; high maternal, child and infant mortality rates; a high rate of malnutrition; poor sanitation and limited access to safe drinking water, especially in rural areas.

47. The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of children. Additionally, the State party should take all effective measures to facilitate greater access to health services by, inter alia, abolishing or rationalizing user fees in primary health to reduce the burden on poor families; increase the number of trained medical and other health personnel, including traditional healers; facilitate cooperation between trained medical personnel and traditional healers, especially midwives; reduce the rates of maternal, child and infant mortality; prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children; increase access to safe drinking water; improve sanitation; and reduce the incidence of malaria. The Committee encourages the State party to continue its cooperation through the IMCI and other measures for child health improvement with, among others, WHO and UNICEF.

Adolescent health

48. The Committee expresses its concern with respect to the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including on early marriage and pregnancy, HIV/AIDS and STDs, abortion, violence, suicides, mental health, and alcohol, drug and substance abuse.

49. The Committee recommends that the State party strengthen adolescent health policies, including reproductive health education. Further, the Committee suggests that a comprehensive and multidisciplinary study be undertaken in order to understand the scope of adolescent health problems, including the special situation of children infected and/or affected by HIV/AIDS and STDs. Additionally, it is recommended that the State party allocate adequate human and financial resources to increase the number of social workers and psychologists and to develop youth-sensitive care, counselling and rehabilitation facilities for adolescents. It is further recommended that the State party seek technical assistance from, among others, UNICEF and WHO.

Female genital mutilation

50. While noting that female genital mutilation (FGM) is prohibited by law, the Committee is concerned that it is still widely practised in the State party.

51. The Committee recommends that the State party strengthen its efforts to combat and eradicate the persistent practice of FGM and other traditional practices harmful to the health, survival and development of girls, such as infanticide and early and forced marriages. The Committee urges the State party to continue to carry out sensitization programmes for practitioners and the general public to change traditional attitudes and discourage harmful practices.

Children with disabilities

52. The Committee notes that the State party has enacted legislation concerning the care, maintenance and employment of persons with disabilities and has established a National Advisory Council to monitor rehabilitation centres for children with disabilities. However, the Committee is concerned about the inadequate facilities and services for children with disabilities, the limited numbers of trained teachers to work with these children, as well as the insufficient efforts made to facilitate the inclusion of children with disabilities into the educational system and generally within society. Concern is also expressed at the inadequate data collection on children with disabilities.

53. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (see CRC/C/69), it is recommended that the State party:

(a) Reinforce its efforts to develop early identification programmes to prevent disabilities;

(b) Implement alternatives to the institutionalization of children with disabilities;

(c) Establish special education programmes for them and, where feasible, include them in the regular school system;

(d) Take effective measures to ensure adequate training for teachers working with children with disabilities;

(e) Take effective measures to collect adequate statistical data on children with disabilities, including in Zanzibar, and to ensure the use of such data in the development of policies and programmes for these children;

(f) Undertake an awareness raising campaign to sensitize the public about the rights and special needs of children with disabilities as well as children with mental health concerns;

(g) Enhance support to families with children with disabilities;

(h) Seek technical cooperation for the training of professional staff working with and for children with disabilities from, among others, WHO.

Right to an adequate standard of living

54. The Committee notes the challenging socio-economic situation and the efforts of the State party to improve the standard of living of its people through, inter alia, the introduction of the Tanzania Development Vision 2025 and the Poverty Reduction Strategy Programme. However, it is concerned about the increasingly high number of children who do not enjoy their right to an adequate standard of living, including children belonging to poor families, AIDS orphans, children living and/or working on the streets and children living in remote rural communities.

55. In accordance with article 27 of the Convention, the Committee recommends that the State party reinforce its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of living. In this connection, the Committee recommends that the State party pay particular attention to the rights and needs of children in the implementation of the Poverty Reduction Strategy Programme and all other programmes intended to improve the standard of living in the country. The Committee further recommends that the State party establish mechanisms to ensure that children living and/or working on the streets are provided with nutrition, clothing and housing. Moreover, the State party should ensure that these children are provided adequate access to health care; rehabilitation services for physical, sexual and substance abuse; services for reconciliation with their families; and education, including vocational and life-skills training. The Committee recommends that the State party cooperate and coordinate its efforts with civil society and local communities.

7. Education, leisure and cultural activities

Right to and aims of education

56. The Committee welcomes the Education Sector Development Programme, which focuses on, inter alia, access and equity in education, and the Complementary Basic Education Programme which seeks to improve drop-out rates, especially of girls. The Committee notes with appreciation that the Government is considering the possibility of abolishing school fees and other types of payments for primary school children. However, the Committee remains concerned about the limited access to education, especially for girls, including pregnant girls, children from economically disadvantaged families and those living in remote rural communities. Concern is also expressed regarding high drop-out and repetition rates, insufficient numbers of trained teachers, insufficient schools and classrooms, and the lack of

relevant learning material. In light of article 29.1 of the Convention, the Committee is also concerned about the quality of education within the State party. The Committee notes with regret the reported incidents of sexual abuse and exploitation of girls within the school environment.

57. The Committee recommends that the State party take all appropriate measures, including the allocation and distribution of adequate financial, human and technical resources, to enhance the quality of education and ensure that all children enjoy the right to education. It is further recommended that the State party reinforce its efforts to increase access to education by, inter alia, abolishing user fees at the primary level. In this regard, the Committee encourages the State to further consider rationalizing user fees at the secondary and tertiary levels. The State party should pay particular attention to the quality of education, in light of article 29.1 of the Convention and the Committee's General Comment No. 1 on the aims of education. The Committee strongly encourages the State party to take all effective measures to protect children, especially girls, against sexual abuse and violence within the school environment and to facilitate the rehabilitation of child victims in this regard. It is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO.

8. Special protection measures

Refugee, asylum-seeking children and unaccompanied children

58. The Committee recognizes the State party's established practice of hosting refugees from neighbouring States and the current challenges faced in this regard, caused mainly by the socio-economic situation. While noting the enactment of the Refugees Act (1998), the Committee is concerned about the inadequate standards, procedures, policies and programmes to guarantee and protect the rights of refugee, asylum-seeking and unaccompanied children, including adequate education, especially post-primary education, and health and other social services. Concern is also expressed regarding the situation of abuse, including sexual abuse, and violence against girls in and around refugee camps. The Committee notes with concern that the present rules relating to marriages between refugees and Tanzanian nationals are discriminatory as regards female Tanzanian nationals, particularly concerning residential status and rights of their spouses and children.

59. The Committee recommends that the State party take all effective measures to ensure adequate protection of refugee, asylum-seeking and unaccompanied children, especially girls, and implement further policies and programmes to guarantee their adequate access to health, educational and social services. The Committee further recommends that the State party review its standards and procedures in the asylum process to ensure their consistency with international standards and introduce special procedures for refugee children, especially those separated from their families. The Committee recommends that the State party develop a policy to permit refugees married to Tanzanian nationals, irrespective of gender, to obtain residential status and/or naturalization and further guarantee the rights of the children of such unions. The Committee encourages the State party to enhance its cooperation with UNHCR.

Economic exploitation

60. The Committee notes that the State party joined the ILO International Programme on the Elimination of Child Labour (IPEC) in 1994 and subsequently committed itself to a time-bound programme to eliminate the worst forms of child labour, starting in mid-2001. However, in light of the current economic situation, the increasing number of school drop-outs and the increasing number of children living and/or working on the streets, the Committee is concerned about the large number of children engaged in labour and the lack of information and adequate data on the situation of child labour and economic exploitation within the State party.

61. The Committee encourages the State party to introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation, particularly in the informal sectors. It is further recommended that the State party undertake a comprehensive study to assess the situation of child labour. In light of the State party's commitment to the time-bound programme to eliminate the worst forms of child labour, the Committee encourages the State party to ratify, at the earliest opportunity, ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

Sexual exploitation and sexual abuse

62. The Committee notes the enactment of the new Sexual Offences Act which, inter alia, requires that cases involving children be heard in camera and eliminates the requirement that children's testimony be corroborated. The Committee remains concerned about the large and increasing number of child victims of commercial sexual exploitation and sex tourism, including prostitution and pornography. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social reintegration of child victims of such abuse and exploitation.

63. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to understanding the scope of commercial sexual exploitation and sex tourism, including prostitution and pornography, and implementing appropriate preventive policies and rehabilitative and social reintegration programmes for child victims. The Committee recommends that the State party take into account the recommendations formulated in the Agenda for Action adopted at the 1996 World Congress against Commercial Sexual Exploitation of Children held in Stockholm.

Sale, trafficking and abduction

64. The Committee notes with concern that there have been reported incidents of the sale, trafficking and abduction of children, especially girls, primarily for domestic labour.

65. The Committee recommends that the State party take effective measures to prevent and combat the sale, trafficking and abduction of children. The State party should, inter alia, facilitate the reunification of child victims with their families and provide adequate care and rehabilitation for them.

Administration of juvenile justice

66. The Committee regrets the insufficient information provided in the State party's report on the situation of children in the juvenile justice system. While the Committee notes that the first juvenile court has recently been established in the State party, it is concerned that the juvenile justice system still does not adequately cover all regions of the country. Concern is also expressed about the holding of minors in adult detention facilities, the poor conditions in detention facilities, the lack of adequate facilities for children in conflict with the law, especially girls, the limited numbers of trained personnel to work with children in this regard, the lack of rehabilitation and reintegration programmes, and the lack of a complaints mechanism for children whose rights have been violated in this regard.

67. The Committee recommends that the State party:

(a) Take all appropriate measures to implement a juvenile justice system in conformity with the Convention, in particular articles 37, 40 and 39, and other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System;

(b) Use deprivation of liberty only as a measure of last resort and for the shortest possible period of time; improve the conditions in detention facilities; protect the rights of children deprived of their liberty, including their right to privacy; and ensure that children remain in contact with their families while in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all professionals involved with the administration of juvenile justice;

(d) Reinforce its efforts to ensure that the juvenile justice system is available and accessible to all children within the State party;

(e) Abolish corporal punishment as a sentence within the juvenile justice system;

(f) Strengthen rehabilitation and reintegration programmes;

(g) Submit more comprehensive information on the juvenile justice system in its next periodic report; and

(h) Consider seeking technical assistance from, among others, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

9. Optional Protocols

68. The Committee notes that the State party has not signed or ratified the two Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

69. The Committee encourages the State party to sign and ratify the two Optional Protocols to the Convention on the Rights of the Child.

10. Dissemination of documentation

70. Finally, **the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-seventh session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

Bhutan

1. At its 715th and 716th meetings (CRC/C/SR. 715 and 716), held on 5 June 2001, the Committee on the Rights of the Child considered the initial report of Bhutan (CRC/C/3/Add.60), which was received on 20 April 1999, and adopted at the 721st meeting, held on 8 June 2001, the following concluding observations.

A. Introduction

2. The Committee notes that the initial State party report was prepared according to the Committee's guidelines for reporting. It notes the timely submission of the informative written answers. The Committee further notes with appreciation the presence of a high-level and cross-sectoral delegation, which contributed to a frank and open dialogue.

B. Positive aspects

3. The Committee notes that the consideration of the initial report of Bhutan marked the first occasion that the State party had appeared before a human rights treaty body.

4. The Committee welcomes the progress made at the Joint Verification Talks and the commencement of the verification process of the refugees in Nepal. It further welcomes the undertaking made by the head of the State party's delegation to convey to the Government the Committee's concerns on the need to accelerate the process.

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5. The Committee welcomes the incorporation in the State party's development plans of the goals contained in the World Declaration and Plan of Action of the 1990 World Summit for Children.

6. The Committee welcomes the establishment of the Department of Legal Affairs, which is an important step in consolidating the rule of law in the State party.

7. The Committee welcomes the establishment of the Youth Development Fund and the Health Trust Fund.

8. The Committee appreciates the cooperation of the State party with United Nations agencies and other international organizations, such as in the formulation and signing of a Master Plan of Operations in cooperation with UNICEF.

9. The Committee welcomes the child-focused and holistic approach taken by the State party in formulating policies and programmes relating to aspects of the Convention (e.g. multisectoral strategies such as the Comprehensive School Health Programme, involving the education and health sectors).

C. Factors and difficulties impeding the implementation of the Convention

10. The Committee acknowledges that difficult topography (i.e. difficult mountainous terrain); the relatively recent socio-economic development, the pressures posed by high population growth on the provision of social services and the shortage of human and economic resources are factors impeding the implementation of some provisions of the Convention.

11. The Committee notes the challenges posed by the State party's aspirations to maintain its unique culture and identity amidst increasing development and openness, as well as within the regional context.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Legislation

12. While noting various legislative measures already taken or proposed with respect to child rights (e.g. amendments to the 1980 Marriage Act, the 1993 Rape Act, the draft Juvenile Justice Act, draft Civil and Criminal Codes, and the draft Immoral Trafficking Act), the Committee is concerned that they do not reflect a comprehensive rights-based approach to the implementation of the Convention.

13. **The Committee recommends that the State party:**

(a) Ensure the speedy promulgation of legislation relating to child rights;

(b) Undertake a comprehensive review of existing legislation, from a rights-based approach, to ensure its conformity with the principles and provisions of the Convention; and

(c) Consider adopting a comprehensive children's code which would incorporate the principles and provisions of the Convention.

Coordination

14. The Committee welcomes the information that the Government is planning to review the implementation structure for the Convention, particularly the strengthening of the role of the CRC Task Force. However, it is concerned that the CRC Task Force is not yet operational.

15. **The Committee recommends that the State party:**

(a) Pursue the preparation and development of a comprehensive national plan of action for the implementation of the Convention, through an open, consultative and participatory process;

(b) Ensure that the CRC Task Force is responsible for intersectoral coordination and cooperation (at and between national and local levels of government), dissemination and training of the Convention, coordination of NGO activities in the implementation of the Convention, as well as coordination in the preparation of the State party's reports; and

(c) Ensure that the CRC Task Force is adequately resourced (e.g. financially and professionally).

Cooperation with civil society

16. Noting good governmental cooperation in the development and welfare sectors with national associations, bilateral aid agencies, international organizations and NGOs, the Committee is nevertheless concerned that insufficient efforts have been made to involve civil society, particularly in the area of civil rights and freedoms, in the implementation of the Convention.

17. **The Committee recommends that the State party:**

(a) Consider a systematic approach to involving civil society, especially children's associations, throughout all stages of the implementation of the Convention, including with respect to civil rights and freedoms; and

(b) Ensure that legislation regulating NGOs conforms to international standards on freedom of association, as a step in facilitating and strengthening their participation.

Data collection

18. The Committee is concerned that disaggregated data on persons under 18 years relating to the rights contained in the Convention are not systematically collected and used effectively to assess progress and design policies to implement the Convention.

19. **The Committee recommends that the State party:**

(a) Establish a mechanism to systematically collect and analyse disaggregated data on all persons under 18 years for all areas covered by the Convention, including members of the most vulnerable groups (i.e. children of different ethnicity, living in remote areas, with disabilities, of economically disadvantaged households, etc.); and

(b) Seek technical assistance from, among others, UNICEF.

Monitoring structures

20. The Committee is concerned at the lack of an independent mechanism with a mandate to regularly monitor and evaluate progress in the implementation of the Convention and empowered to receive and address complaints.

21. **The Committee recommends that the State party:**

(a) Consider the establishment of an independent national human rights institution, in accordance with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134), to monitor and evaluate progress in the implementation of the Convention at the national and at the local levels. This institution should be accessible to children and empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them effectively; and

(b) Seek technical assistance from, among others, the OHCHR, UNICEF and the European Network of Ombudspersons for Children.

Budgetary allocation

22. While noting significant investment and increased budgetary allocation in the social sector, the Committee is still concerned that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the "maximum extent of ... available resources" of the economic, social and cultural rights of children.

23. **The Committee recommends that the State party:**

(a) Systematically assess the impact of budgetary allocations on the implementation of child rights;

(b) Ensure that multi-sectoral programmes are adequately funded;

(c) Ensure the distribution - to the maximum extent - of available resources at the national and local level, and, where needed, within the framework of international cooperation; and

(d) Consider its obligations under the Convention in all aspects of its negotiations with international financial institutions and other donors, to ensure that the economic, social and cultural rights of children, particularly children belonging to the most vulnerable groups, are well observed.

Training/dissemination of the Convention

24. Noting some efforts by the State party (e.g. radio programmes), the Committee is concerned that awareness of the Convention amongst professionals working with and for children and the general public, including children themselves, remains low. The Committee is concerned that the State party is not undertaking adequate dissemination and awareness raising activities in a systematic and targeted manner.

25. **The Committee recommends that the State party:**

(a) Develop an ongoing programme for the dissemination of information on the Convention and its implementation among children and parents, civil society and all sectors and levels of government, including initiatives to reach those vulnerable groups who are illiterate or without formal education;

(b) Develop systematic and ongoing human rights training programmes for all professional groups working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel); and

(c) Seek assistance from, among others, OHCHR and UNICEF.

2. Definition of the child

26. The Committee notes that the 1996 amendment to the Marriage Act of 1980 raised the age of marriage of girls to 18. It further notes information from the delegation that courts generally interpret the law to include persons under 18 as children for all purposes.

27. **The Committee recommends that the State party review its legislation with a view to ensuring that the definition of the child and minimum age requirements conform to the principles and provisions of the Convention, are gender neutral, are explicit and are enforced by law.**

3. General principles

The right to non-discrimination

28. The Committee is concerned at the disparities in the enjoyment of rights experienced by children belonging to the most vulnerable groups (e.g. children living in remote areas, belonging to other ethnic groups, with disabilities from economically disadvantaged households, etc.).

29. **The Committee recommends that the State party:**

(a) Make greater efforts to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2; and

(b) Prioritize and target social services for children belonging to the most vulnerable groups.

30. The Committee is concerned about the impact on children of reports of discrimination against individuals belonging to the Lhotshampas. In particular, it is concerned about reports: that these children face de facto discrimination in access to education and other services and on the basis of status, activities, or opinions of their parents, or relatives.

31. **The Committee recommends that the State party:**

(a) Take effective measures, including enacting or rescinding legislation where necessary, to prevent and eliminate discrimination, in accordance with article 2 of the Convention, in all fields of civil, economic, political, social and cultural life;

(b) Establish accessible, prompt and effective mechanisms to monitor, receive and address complaints of discrimination (e.g. prompt appeal in circumstances of denial of school enrolment); and

(c) Take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes towards different ethnic groups.

Respect for the views of the child

32. The Committee notes the State party's efforts to respect the views of children in schools (e.g. the 1997 school code of conduct). Nevertheless, it is concerned that traditional attitudes towards children in society at large may limit the exercise of this right, especially within the family.

33. **The Committee recommends that the State party:**

(a) Continue to promote and facilitate, within the family, the school, the courts and administrative bodies, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention;

(b) Develop skills-training programmes in community settings for teachers, social workers and local officials at the village-block level to assist children to express their informed views and opinions and to have them taken into consideration; and

(c) Seek assistance from, among others, UNICEF.

4. Civil rights and freedoms

Birth registration

34. Noting the difficulties imposed by terrain and settlement patterns, the Committee is concerned that the failure of timely birth registration can have negative consequences on the full enjoyment by children of their fundamental rights and freedoms.

35. **The Committee recommends that the State party:**

(a) Make greater efforts to ensure the timely registration of all births, and issue birth certificates;

(b) Carry out awareness-raising about registration in rural areas; and

(c) Consider the establishment of mobile registration offices and registration units in schools.

Nationality

36. The Committee is concerned that under citizenship laws, a child of a Bhutanese mother and a non-national father must face a burdensome naturalization process, whereas this is not required if the father is Bhutanese.

37. **The Committee recommends that the State party ensure the right of a child to a nationality without discrimination on the basis of the gender of the parent(s), in accordance with articles 2 and 7 of the Convention.**

5. Family environment and alternative care

Family reunification

38. The Committee is concerned that as a result of events following the census in the late 1980s, there may be children in southern Bhutan who are separated from their parents, or whose parents are residing abroad as refugees.

39. **The Committee recommends that the State party ensure that family reunification is dealt with in a positive, humane and expeditious manner, in accordance with article 10 of the Convention.**

Violence/abuse/neglect/maltreatment

40. Noting the respect for children in Bhutan, the Committee is concerned that there is insufficient information and awareness of the ill-treatment of children in schools and within the family.

41. **The Committee recommends that the State party:**

(a) Conduct a study to assess the nature and extent of ill-treatment of children, and design policies and programmes to address it;

(b) Take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, schools, and in institutions;

(c) Carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment;

(d) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervention where necessary;

(e) Prosecute instances of ill-treatment, ensuring that the abused child is not victimized in legal proceedings;

(f) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of ill-treatment cases; and

(g) Seek assistance from, among others, UNICEF and WHO.

6. Basic health and welfare

Right to health and healthcare

42. The Committee notes significant achievements in the health sector: improvements in health indicators; increased investment; the inclusion of health education in the school curricula; and the establishment of basic health units, outreach clinics and health volunteer programmes. However, it is concerned about problems of access to services and the shortage of trained health workers.

43. **The Committee recommends that the State party:**

(a) Make greater efforts to ensure access to health services; and

(b) Continue to allocate the required resources to address the shortage of trained health workers.

44. Noting the State party's efforts to address adolescent health, such as the publication of pamphlets on reproductive and mental health, and drug abuse, the Committee is concerned at the effectiveness of these efforts.

45. **The Committee recommends that the State party:**

(a) Ensure that adolescents have access to and are provided with education on reproductive health and other adolescent health issues, as well as with child-sensitive and confidential counselling services;

(b) Strengthen its efforts to provide adolescent health education within the educational system; and

(c) Seek assistance from, among others, UNICEF and WHO.

Children with disabilities

46. Noting some efforts by the State party concerning children with disabilities (i.e. the pilot school for inclusive education and formation of a parents support group in Thimpu, and a school for visually impaired children), the Committee is concerned that children with disabilities in general have inadequate access to specialized services and education, and there is insufficient support for families.

47. **The Committee recommends that the State party:**

(a) Conduct a survey to assess the causes and extent of disability among children;

(b) Review existing policies and practice in relation to children with disabilities, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on "Children with disabilities" (see CRC/C/69);

(c) Involve children with disabilities and their families in the development of surveys and policy review;

(d) Undertake greater efforts to make available the necessary resources (e.g. professional and financial, including professional and financial support to families);

(e) Undertake greater efforts to promote and expand community-based rehabilitation programmes, including parent support groups, and inclusive education of children with all forms of disability; and

(f) Seek assistance from, among others, UNICEF and WHO.

7. Education, leisure and cultural activities

Education

48. Noting significant achievements in education indicators, the Committee is concerned that primary education is not compulsory; that there is still a significant gender gap in enrolment; and that there are deficiencies in access to education and the quality of teacher training.

49. **The Committee recommends that the State party:**

(a) Ensure that primary education is free and made compulsory;

(b) Make greater efforts to close the gender gap; and

(c) Allocate the required resources to address access to education and the quality of teacher training.

50. Noting with appreciation that the aims of education are generally in conformity with article 29 of the Convention, the Committee is concerned that human rights education, including the Convention, is not included in the school curricula.

51. **Taking due regard of its General Comment No. 1 on the aims of education, the Committee recommends that the State party:**

(a) Include human rights education in the curricula, particularly with respect to the development and respect for human rights, tolerance, and equality of the sexes and of religious and ethnic minorities; and

(b) Seek assistance from UNICEF and UNESCO.

8. Special measures of protection

Refugees

52. While noting that the verification process of refugees in camps in Nepal has commenced, the Committee is nevertheless concerned at the slow rate of this process and the serious and negative impact this has on the rights of children residing in these camps, particularly given that repatriation will begin only once all refugees have been verified.

53. **In accordance with the principles of the best interests of the child, the right to a nationality and to the preservation of identity (articles 3, 7 and 8 of the Convention), and with a view to reaching a just and durable solution to the situation of refugees in camps in Nepal, the Committee recommends that the State party:**

(a) Make greater efforts to expedite the verification process and consider the possibility of repatriating individuals within a reasonable time following individual verification;

(b) Consider a mechanism to allow individuals to appeal against decisions;

(c) Ensure that returnees are repatriated and resettled, in safety and dignity, to their place of origin or choice;

(d) Consider acceding to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and the conventions on statelessness; and

(e) In the best interests of the children, consider seeking assistance from UNHCR.

Armed conflict

54. The Committee is concerned at the low age of 15 for voluntary enlistment in the armed forces.

55. **The Committee recommends that the State party consider raising this to 18.**

56. The Committee expresses its concern at the negative impact on children of reported armed insurgency in the south-central and south-eastern parts of the country.

57. **In light of article 38 and other relevant articles of the Convention, the Committee recommends that the State party:**

(a) At all time, ensure respect for human rights and humanitarian law aimed at the protection and care of children affected by armed conflict; and

(b) Provide physical rehabilitation and psychological recovery measures for these children.

Child labour

58. The Committee is concerned at the absence of legislation on the minimum age for admission to employment, as well as insufficient information on children working, including in the informal sector, such as agriculture. It is concerned that an increasing number of children are dropping out of school and taking up work in urban areas (e.g. as waiters, as bus attendants, in vehicle workshops, or as domestic workers).

59. **The Committee recommends that the State party:**

(a) Undertake a national survey on the causes and extent of child labour;

(b) Establish a minimum age for admission to employment, in accordance with the principles and provisions of the Convention, that is in conformity with the age of completion of education, and ensure that it is enforced; employers should be required to have, and to produce on demand, proof of age of all children working on their premises.

(c) Establish a mechanism to monitor the implementation of standards which is empowered to receive and address complaints of violations;

(d) Carry out campaigns to inform and sensitize the general public, especially parents and children, of work hazards; and

(e) Consider membership in ILO.

Sexual exploitation

60. Noting the 1993 Rape Act and the draft Immoral Trafficking Act, the Committee is concerned at the insufficient data on and awareness of the phenomenon of sexual exploitation of children in Bhutan.

61. **The Committee recommends that the State party:**

(a) Undertake a national study on the nature and extent of sexual exploitation of children (i.e. sale of children, child prostitution and child pornography), and compile and keep up to date disaggregated data to serve as a basis for designing measures and evaluating progress in this area;

(b) Review its legislation and ensure that it criminalizes the sexual exploitation of children, is gender neutral and penalizes all offenders involved, whether local or foreign, while ensuring that the child victims are not penalized;

(c) Ensure that legal procedures are simplified so that responses are appropriate, timely, and sensitive to victims;

(d) Establish rehabilitation and social reintegration programmes for child victims;

(e) Train personnel working with child victims; and

(f) Carry out awareness-raising campaigns to sensitize and mobilize the general public on the child's right to physical and mental integrity and safety from sexual exploitation.

Administration of juvenile justice

62. While noting the establishment of the Youth Development and Rehabilitation Centre, the Committee is nevertheless concerned at the administration of juvenile justice. In particular, it notes the absence of information on the minimum age of criminal responsibility. The Committee is also concerned that insufficient efforts have been made to ensure the speedy adoption of the draft juvenile justice and criminal procedure legislation.

63. **The Committee recommends that the State party:**

(a) Establish a minimum age of criminal responsibility that is in accordance with the principles and provisions of the Convention;

(b) Expedite the promulgation of the draft juvenile justice and criminal procedure laws;

(c) Ensure that the system of juvenile justice fully integrates into its legislation and practice the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and the Vienna Guidelines for Action on Children in the Criminal Justice System;

(d) Ensure that the deprivation of liberty is used only as a measure of last resort, for the shortest possible time, is authorized by the court, and that persons under 18 are not detained with adults;

(e) Ensure that children have access to legal aid and independent and effective complaints mechanisms;

(f) Consider alternative measures to deprivation of liberty, such as probation, community service, or suspended sentences;

(g) Train professionals in the area of rehabilitation and social reintegration of children;

(h) Seek assistance from, among others, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

9. Optional Protocols

64. **The Committee encourages the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.**

10. Dissemination of documentation

65. **Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion, and the concluding observations adopted by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-seventh session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

Monaco

1. The Committee considered the initial report of Monaco (CRC/C/28/Add.15) at its 717th and 718th meetings (see CRC/C/SR.717 and 718), held on 5 June 2001, and adopted, at the 721st meeting, held on 8 June 2001, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/MON/1). The Committee notes the constructive dialogue it had with the delegation of the State party and the detailed replies provided.

B. Positive aspects

3. The Committee notes the very positive implementation of most of the rights of the child within the State party and the fact that, in most areas, all children enjoy their rights without discrimination.

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4. The Committee notes in particular an effective social security system covering persons in remunerated work.

5. The Committee welcomes the State party's ratification of the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

6. The Committee notes the wide dissemination of copies of the Convention to all students in the State party. The Committee notes, in addition, the significant efforts made by the State party to provide programmes concerning such problems as drug abuse and the spread of HIV/AIDS to pupils in school.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee notes the difficulties posed by the presence within the total population of children living in the State party of an extremely large number of different nationalities, cultures and languages.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

Legislation

8. The Committee is concerned that some legislative provisions are not in full conformity with provisions of the Convention.

9. The Committee recommends that the State party proceed with efforts to amend domestic legislation with a view to ensuring full respect for the provisions of the Convention. Noting ongoing efforts to change domestic legislation with regard to nationality, the Committee recommends withdrawal of the State party's reservation in this regard. The Committee recommends, in addition, that the State party pursue its current efforts towards ratification of the Convention on the Elimination of All Forms of Discrimination against Women.

Declaration/reservation

10. The Committee is concerned at the State party's declaration and reservation made upon ratification of the Convention.

11. The Committee welcomes the State party's indication of its intention to withdraw its declaration made upon ratification of the Convention and its willingness to consider withdrawal of its reservation.

Child rights policy formulation and coordination

12. The Committee is concerned that the State party does not have a clear child rights policy or take a rights-based approach to implementing the Convention, and that there is no single mechanism with responsibility for coordinating implementation of the Convention.

13. The Committee recommends that the State party consider defining a child rights policy, based upon a rights-based approach to implementation of the Convention, and that a single State mechanism be provided with responsibility for the coordination of the Convention's implementation. The Committee recommends, in addition, that the State party encourage NGOs to adopt a rights-based approach to their work on behalf of children.

Monitoring

14. The Committee is concerned that there is no comprehensive monitoring and independent assessment of the Convention's implementation within the State party.

15. The Committee recommends that the State party make use of existing mechanisms, or establish a new mechanism, through which the Convention's overall implementation within the State party can be monitored and assessed. The Committee recommends that such a monitoring mechanism be independent and also provide for individual complaint procedures, including by children.

Data

16. The Committee is concerned at the lack of sufficient disaggregated data on the situation of children and on programmes to implement the Convention.

17. The Committee recommends that the State party improve its collection of disaggregated data with regard to the Convention's implementation and that this information be used for the strengthening of policies, programmes and monitoring with regard to the Convention.

2. Definition of the child

18. The Committee notes the high age of majority, 21 years, in the State party. The Committee is concerned that the State party's domestic legislation discriminates between boys and girls, providing that girls may legally marry without adult consent from age 15 and boys from age 18.

19. The Committee recommends that the State party proceed with efforts to set the age of majority at 18. The Committee recommends that the State party amend its legislation to ensure that both boys and girls are treated equally, and recommends in particular, that the legal age of marriage be fixed for both boys and girls at age 18.

3. General principles

Discrimination

20. The Committee is concerned that discrimination against women in the passing on of parents' nationality persists. The Committee is concerned, in addition, that children born out of wedlock continue to face discrimination with regard to inheritance rights. While noting the State party's efforts in this regard, the Committee is concerned, at information indicating that children of all nationalities are not treated equally.

21. The Committee recommends that the State party pursue its efforts to adopt legislation establishing an equal right for men and women to pass on Monegasque nationality to their children and to ensure that children born out of wedlock benefit from the same rights as children born within marriage. In light of article 12, the Committee recommends further that the State party continue its efforts to ensure that all children, regardless of their nationality, are treated equally.

Respect for the opinions of the child

22. The Committee is concerned that children have insufficient opportunities under law to have their opinions taken into consideration, and that existing legal provisions overly restrict to specific ages those children whose opinions can be considered.

23. The Committee recommends that the State party adopt legislation and practices providing for greater flexibility in the consideration of a child's opinion, in accordance with its evolving capacities, with a view to providing greater opportunities for children to be heard.

4. Civil rights and freedoms

The right to know one's identity

24. The Committee is concerned about the lack of rules concerning in-vitro fertilization and respect for a child's right to know his or her identity.

25. The Committee recommends that the State party consider ways to ensure respect of a child's right to know his or her parents' identities, as far as possible.

Corporal punishment

26. The Committee is concerned that corporal punishment is not prohibited under law.

27. The Committee recommends that the State party prohibit the practice of corporal punishment in the family and conduct information campaigns targeting, among others, parents, children, law enforcement and judicial officials and teachers, explaining children's

rights in this regard and encouraging the use of alternative forms of discipline in a manner consistent with the child's human dignity and in conformity with the Convention, especially articles 19 and 28.2.

Access to information

28. While noting the State party's efforts to protect children from harmful printed and cinematic material, the Committee remains concerned that children may nevertheless be exposed to harmful information through access to the Internet or videos.

29. The Committee recommends that the State party consider further means, including through the provision of advice to parents, of protecting children from information that may be harmful to them.

5. Family environment and alternative care

Social welfare assistance to the family

30. The Committee is concerned that fathers and mothers do not benefit equally from the provision of financial assistance by the State in the context of assistance to families, and that the greater access of mothers to financial aid may lead to discrimination against either, or both, fathers and mothers and have a consequentially negative effect on the rights of their children.

31. The Committee recommends that the State party establish an equal right of fathers and mothers to financial assistance related to the care of their children.

Parental responsibility

32. The Committee is concerned that parental responsibility is not assigned equally, under law, to fathers and mothers and that this may negatively affect the situation of children.

33. The Committee recommends that the State party amend its domestic legislation to ensure that men and women have equal parenting rights.

6. Basic health and welfare

Access to free health assistance

34. The Committee is concerned that while Monegasque children have a right to free health care, domestic legislation and practice do not expressly guarantee the same right to all children in the State party, in particular children from disadvantaged backgrounds and who are neither nationals nor residents of the State party.

35. The Committee recommends that the State party ensure that all children within its jurisdiction are treated equally under the law and recommends in particular that a right to health care be provided to all children.

7. Education, leisure and cultural activities

36. The Committee is concerned that human rights education is not systematically provided in school programmes at all levels. The Committee is concerned, in addition, at the prevalence of violence in schools.

37. The Committee recommends that the State party take steps to ensure the inclusion of human rights education at all levels of school curricula. The Committee recommends further that the State party implement measures to prevent and end violence in schools.

8. Special protection measures

Refugees

38. The Committee is concerned that refugee children and their families may have insufficient access to procedures for claiming refugee status in the State party because of the obligation to first comply with French refugee application procedures, about which concern has been expressed by, among others, the Human Rights Committee.

39. The Committee recommends that the State party make every effort to ensure respect for the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, including through discussions with the relevant French authorities.

Drug abuse

40. The Committee is concerned at drug abuse among children.

41. The Committee recommends that the State party implement measures to prevent and end drug abuse among children and to provide rehabilitative assistance, where needed, to children who have abused drugs.

Child labour

42. Noting the attention given by the State party to children under 16 working in a family context, the Committee is concerned that such work may interfere with children's right to education.

43. The Committee recommends that the State party continue and strengthen its efforts to ensure respect for the rights of children under 16 working in a family context, and particularly the right to education.

Ratification of the Optional Protocols

44. The Committee recommends that the State party consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict.

Dissemination of documentation

45. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within all levels of administration of the State party and the general public, including concerned non-governmental organizations.

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COMMITTEE ON THE RIGHTS OF THE CHILD

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Mauritania

1. The Committee considered the initial report of Mauritania (CRC/C/8/Add.42), submitted on 18 January 2000, at its 723rd and 724th meetings (see CRC/C/SR.723-724), held on 25 September 2001, and adopted, at its 749th meeting (CRC/C/SR.749) held on 12 October 2001, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report, which generally follows the guidelines for reporting, and the timely submission of the written replies to its list of issues (CRC/C/Q/MAU.1). However, it regrets the almost seven-year delay in submitting this report. It further notes with appreciation the high-ranking delegation sent by the State party and welcomes the frank dialogue and the positive reactions to the suggestions and recommendations made during the discussion.

B. Positive aspects

3. The Committee welcomes the recent adoption of the Personal Status Code, which contains provisions to protect children, including the prohibition of early marriage; of the act making basic education compulsory for all children between the ages of 6 and 14; and of an amended Labour Code in compliance with the Convention which prohibits child labour before the age of 16.

4. The Committee notes with satisfaction the establishment in 1992 of the Secretariat of State for the Status of Women and of the National Council for Children to promote children rights and prepare policies and programmes on children, as well as the establishment of juvenile courts in all the main towns of the *wilayas* (regions). It further commends the establishment of the "Mauritanian Mayors in Defence of Children Initiative" to deal with children's issues at local level, of the Parliamentary Children's Group and of the Municipal Children's Council.

5. The Committee takes note with satisfaction of the series of conferences designed to familiarize administrators, teachers, legal staff and civil society with the Convention. It further welcomes the signature on 22 August 2001 of the joint UNDP-OHCHR technical cooperation project in the framework of the HURIST programme.

6. The Committee appreciates the establishment of a national commission to coordinate the preparation of the initial report composed of representatives of the ministerial departments concerned with the Convention and of representatives of the civil society.

C. Factors and difficulties impeding progress in the implementation of the Convention

7. The Committee notes with concern that economic and social difficulties facing the State party have a negative impact on the situation of children and are impeding the full implementation of the Convention, especially in rural and remote areas. In particular, it notes the negative impact of desertification and drought that, by causing an accelerated urbanization and uncontrolled exodus from rural areas, increases the level of poverty and the dismantling of family structures.

8. The Committee further notes that the limited availability of skilled human resources, particularly in rural and remote areas, also adversely affects the full implementation of the Convention.

D. Principal areas of concern and recommendation

1. General measures of implementation

Legislation

9. The Committee, while taking note that the adoption of some national codes is currently being considered, in particular a new criminal code and a code of criminal procedure for juveniles, remains nevertheless concerned that domestic and customary laws still do not fully comply with the provisions and principles of the Convention.

10. **The Committee encourages the State party:**

(a) To take all necessary measures to ensure that its domestic legislation, including customary laws, conforms fully to the principles and provisions of the Convention;

(b) To ratify the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) To ratify the African Charter on the Rights and Welfare of the Child; and

(d) To seek technical assistance from, among others, UNICEF and OHCHR.

Coordination

11. The Committee, while noting the establishment of a National Council for Children which should provide coordination between government departments and ministries, expresses its concern at the lack of an effective inter-institutional mechanism for coordinating the implementation of the Convention both at the national and local levels. Further, the Committee notes with concern that most of the goals in the National Plan of Action for the period 1992-2001 were not reached.

12. **The Committee recommends that the State Party:**

(a) Take all necessary measures to allocate principal responsibility for the coordination of the implementation of the Convention at both national and local levels to a single body or mechanism;

(b) Allocate for this purpose adequate human and financial resources for its effective performance; and

(c) For the preparation of the new National Plan of Action 2002-2012, take into account the obstacles met when implementing the National Plan of Action 1992-2001 and the results of the mid-term evaluation and of the review made for the end-of-decade report.

Budgetary allocations

13. The Committee notes with concern that budgetary allocations for children are insufficient to respond to national and local priorities for the protection and promotion of children's rights and to overcome and remedy existing disparities between rural and urban areas with respect to services provided to children.

14. **In light of article 4 of the Convention, the Committee recommends that the State party:**

(a) Strengthen its efforts to reduce poverty and its impact on children;

(b) Identify clearly its priorities with respect to child rights issues in order to ensure that funds are allocated to the "maximum extent of available resources" for the implementation of the rights recognized in the Convention, including the economic, social and cultural rights of children, in particular at local level and for children belonging to the most vulnerable groups in society; and

(c) Take the necessary measures to identify the amount and proportion of the budget spent on children at the national and local levels, including the resources from international aid programmes, in order to adequately evaluate its impact on children.

Monitoring

15. The Committee expresses its concern at the absence of an independent mechanism, such as an ombudsman or a commission for children, to monitor children's rights and to receive and address individual complaints from children on violations of their rights under the Convention. It further takes note that there are ongoing discussions on the establishment of such a body.

16. **The Committee encourages the State party to pursue its efforts with a view to developing and establishing an independent and effective mechanism, provided with adequate human and financial resources and easily accessible to children and in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134), that:**

(a) Monitors the implementation of the Convention;

(b) Deals with complaints from children in a child-sensitive and expeditious manner; and

(c) Provides remedies for violations of their rights under the Convention.

In this regard, the Committee further recommends that the State party consider seeking technical assistance from, among others, UNICEF and OHCHR.

Data collection

17. The Committee is concerned at the lack of disaggregated data and indicators for all areas covered by the Convention and in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

18. **The Committee recommends that the State Party:**

(a) Develop a system of data collection and indicators consistent with the Convention, disaggregated by gender, age, minority and ethnic groups, and urban and rural areas. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including child victims of abuse, neglect, or ill-treatment; children with disabilities; children belonging to ethnic groups; refugee and asylum-seeking children; children in conflict with the law; working children; children living in the streets and in rural areas; and

(b) Use these indicators and data for the formulation and evaluation of policies and programmes for the effective implementation of the Convention.

Dissemination and training

19. While noting that some efforts have been undertaken by the State party in order to disseminate the Convention in Mauritania, the Committee expresses its concern that they targeted only very specific groups and not the general population. Further, it notes with concern that the Convention is not available in the national languages spoken in the State party.

20. **The Committee recommends that the State party:**

(a) Translate informative material into the national languages, such as Pulaar, Suninké and Wolof, and disseminate it effectively;

(b) Develop more creative methods to promote the Convention, including through audiovisual aids such as picture books and posters, in particular at local level;

(c) Provide further adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel;

(d) Fully integrate the Convention into the curricula at all levels of the educational system; and

(e) Seek technical assistance from, among others, UNICEF, UNESCO and OHCHR.

2. Definition of the child

21. The Committee notes that the newly adopted Personal Status Code sets the minimum age for marriage at 18, but it expresses its concern about the disparity between the legal minimum age for admission to employment (16 years) and the age for the end of compulsory education (14 years).

22. **In light of articles 1 and 2 of the Convention, the Committee recommends that the State party ensure that the minimum age for marriage is fully enforced in practice, and that the population is aware of its existence, in order to bring an end to the practice of early marriage of girls. It further recommends that the State party redefine the minimum age for the end of compulsory education so that it corresponds to the age for admission to employment.**

3. General principles

General principles

23. The Committee is concerned that the principles of non-discrimination (art. 2 of the Convention), best interests of the child (art. 3), right to life and maximum possible survival and

development of the child (art. 6) and respect for the views of the child (art. 12) are not fully reflected in the State party's legislation and administrative and judicial decisions, as well as in policies and practices relevant to children at both national and local levels.

24. **The Committee recommends that the general principles of the Convention, in particular the provisions of articles 2, 3, 6 and 12:**

(a) Be appropriately integrated in all relevant legislation concerning children;

(b) Be applied in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children; and

(c) Guide planning and policy-making at every level, as well as actions taken by social and health welfare institutions, courts of law and administrative authorities.

Non-discrimination

25. The Committee is concerned by the persistence of discrimination in the State Party. In particular, the Committee is concerned by the occurrence of discrimination against children belonging to minorities, children with disabilities and, at the cultural level, girls. Moreover, the Committee is concerned at the discrepancies in the enjoyment of rights in relation to certain vulnerable groups: children living in rural areas, refugee children, children from poor families, children working on the streets and children born out of wedlock.

26. **In light of article 2 of the Convention, the Committee recommends that the State party:**

(a) Make concerted efforts at all levels to address discrimination, notably discrimination based on gender, national, ethnic or social origin and disability, through a review and reorientation of policies, including increased budgetary allocations for programmes targeting the most vulnerable groups;

(b) Ensure effective law enforcement, undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination; and

(c) Include specific information in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of the Committee's General Comment No. 1 on article 29 (1) of the Convention (aims of education).

4. Civil rights and freedoms

Birth registration

27. While noting Act No. 96/020 of 19 June 1996 on the obligation to register every child's birth and the establishment of a Secretariat of State for Civil Registration, the Committee is nevertheless concerned at the difficulties that are still experienced in registering, organizing and keeping civil registry records, in particular in rural areas.

28. **In light of article 7 of the Convention, the Committee recommends that the State party:**

(a) Continue to develop more widespread awareness among the population, including through public information campaigns, of the importance of immediate birth registration; and

(b) Improve the registration procedures and system in order to reach all families, in particular in rural and remote areas, and facilitate the registration of the births of their children.

Corporal punishment

29. The Committee is concerned that corporal punishment of children is widely practised in the family. It further notes that it is not expressly banned in schools and institutions.

30. **In light of articles 3, 19, and 28 (2) of the Convention, the Committee encourages the State party to:**

(a) Develop measures to raise awareness on the harmful effects of corporal punishment and engage in the promotion of alternative forms of discipline in families to be administered in a manner consistent with the child's dignity and in conformity with the Convention; and

(b) Explicitly prohibit corporal punishment in the family, in schools and in other institutions.

5. Family environment and alternative care

Assistance to vulnerable families

31. The Committee notes with concern the high number of female-headed families, in particular in the capital, which are particularly vulnerable to poverty.

32. **In light of article 18 of the Convention, the Committee recommends that the State party ensure assistance to female-headed families in the performance of their child-rearing responsibilities, in particular with regard to access to health and education, and strengthen its programme of microcredits.**

Child abuse and neglect

33. The Committee notes with concern that there is no procedure available for children who are abused and or neglected within the family.

34. **In light of article 19 of the Convention, the Committee recommends that the State party:**

(a) Establish effective procedures and mechanisms to receive, monitor and investigate complaints about child abuse and neglect, including intervention where necessary;

(b) Prosecute cases of ill-treatment, ensuring that the abused child is not victimized in legal proceedings;

(c) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of ill-treatment cases; and

(d) Provide proper alternative placement when this is in the best interest of the child.

Recovery of children's maintenance allowance

35. The Committee expresses its concern at the lack of implementation of the legislation on maintenance, due mainly to widespread ignorance of the law or to psychological reasons, i.e. pride or shame.

36. **In light of article 27 (4) of the Convention, the Committee recommends that the State party:**

(a) Make widely known, notably to women who are illiterate, the provisions of domestic legislation concerning maintenance allowance; and

(b) Ensure that professional groups dealing with this issue are adequately trained and that courts are stricter about the recovery of allowances from solvent parents who refuse to pay.

6. Basic health and welfare

Health and health services

37. The Committee is concerned at the poor situation of maternal, child and the reproductive health and the limited access to health care. In particular, it notes the lack of qualified medical and paramedical staff and the shortage of medicines and equipment in rural areas. It further notes that infant, child and maternal mortality rates, as well as abortion and malnutrition rates, are particularly high in rural areas and in poor urban areas. The Committee also takes note of the low immunization rates and of the resurgence of tuberculosis.

38. **In light of article 24 of the Convention, the Committee recommends that the State party:**

(a) Allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of all children without discrimination, in particular by focusing more on primary care and further decentralizing the health care system;

(b) Reduce child mortality and morbidity by providing adequate antenatal and postnatal health care services;

(c) Develop campaigns to inform parents of basic knowledge about child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation; and

(d) Look to international cooperation for the full and efficient implementation of the immunization programme.

Children with disabilities

39. While noting that the State party has developed a strategy for the integration and development of children with disabilities involving community-based rehabilitation, the Committee remains nevertheless concerned about the huge number of children with disabilities who are institutionalized, the general lack of resources and specialized staff for these children and the absence of support for their families.

40. **In light of article 23 of the Convention, the Committee recommends that the State party:**

(a) Undertake measures to ensure that the situation of children with disabilities is adequately monitored in order to assess effectively their situation and needs;

(b) Allocate the necessary resources for programmes and facilities for all children with disabilities, especially the ones living in rural areas, and further develop community-based programmes in order for the children to be able to stay at home with their families;

(c) Provide professional and financial support to families;

(d) In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (see CRC/C/69), further encourage their inclusion into society and their integration into the regular educational system, including by providing special training to teachers and by making schools more accessible; and

(e) Seek technical assistance from, among others, WHO and UNICEF.

Adolescent health

41. The Committee expresses its concern regarding the high rates of early pregnancy, the rise in the number of children and youths using tobacco and drugs, and the growing number of cases of HIV/AIDS among youths. Further, it notes the limited availability of programmes and services in the area of adolescent health, including mental health, in particular treatment and rehabilitation programmes for drug addiction. It also notes the lack of sufficient prevention and information programmes, especially on reproductive health, in schools.

42. **The Committee recommends that the State party:**

(a) Undertake a comprehensive and multidisciplinary study to assess the scope of adolescent health problems, including the negative impact of HIV/AIDS, in order to be able to develop adequate policies and programmes;

(b) Increase its efforts to promote adolescent health, including mental health, policies, particularly with respect to reproductive health and substance abuse, and strengthen the programme of health education in schools;

(c) Undertake further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health; and

(d) Develop youth-sensitive counselling, care and rehabilitation facilities that are accessible, without parental consent, when this is in the best interests of the child.

Traditional harmful practices

43. While noting the measures taken by the State party to combat the traditional practices of female genital mutilation and forced feeding, the Committee is nevertheless concerned at the continuing use of these practices, especially in rural areas.

44. **In light of article 24 (3), of the Convention, the Committee urges the State party:**

(a) To prohibit, and take action to end, the practices of female genital mutilation and forced feeding;

(b) To raise awareness of their harmful effects;

(c) To seek assistance from UNICEF and WHO in this regard; and

(d) To take advantage of the efforts in this regard made by other States in the region.

7. Education, leisure and cultural activities

Education and leisure

45. While noting the increase in the number of schools and classrooms, the Committee is nevertheless concerned that only approximately 60 per cent of children attend school and that there are great gender and regional disparities. It further notes with concern the high drop-out and repeating rates, the inadequacy of the school curriculum, the high teacher-pupil ratio, especially in the capital, Nouakchott, the low enrolment rate in secondary schools, the inadequate school infrastructure, and the low number of children receiving pre-school education. Furthermore, the Committee expresses its concern at the lack of play space and recreational facilities for children, especially in rural areas.

46. **In light of articles 28 and 29 of the Convention, the Committee recommends that the State party:**

(a) **Enforce the act that makes basic education compulsory for all children between the ages of 6 and 14;**

(b) **Undertake appropriate measures to ensure regular attendance at schools and the reduction of drop-out rates, in particular among girls;**

(c) **Continue its efforts to expand pre-school education;**

(d) **Take further steps to ensure the enrolment of children in secondary school;**

(e) **Improve the quality of education;**

(f) **Orient education towards the aims mentioned in article 29 (1) of the Convention and the Committee's general comment on the aims of education, in particular by introducing human rights, including children's rights, education in the curriculum at all levels of education, including teacher training; and**

(g) **In light of article 31 of the Convention, seek to ensure the right of the child to rest and leisure and to engage in play and recreational activities, inter alia by educating parents on the importance of these activities for the development of the child and by developing appropriate facilities, in particular in rural areas.**

8. Special protection measures

Refugee children

47. The Committee notes with concern that the State party does not give identification documents to refugees and their children and that the rights of refugee children are not specifically protected by law, notwithstanding the fact that the State party has signed

the 1951 Convention relating to the Status of Refugees and has acceded to the 1967 Protocol. It further notes that there are no laws and practices guaranteeing the reunification of families.

48. **In light of article 22 of the Convention, the Committee recommends that the State party:**

(a) Integrate the provisions of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol into its legislation;

(b) Grant proper official identification documents to refugees in order to enable them to travel and to access other basic rights; and

(c) Enact legislation, policies and programmes guaranteeing the reunification of families where this is possible.

Economic exploitation

49. The Committee is concerned about the high number of children engaged in labour, in particular children working in agriculture, in the informal sector and in the street, including the *talibés* who are exploited by their teachers. While recognizing the efforts undertaken by the State party to stop cases of trafficking of children towards Arab countries, it remains concerned that girls involved in domestic service are often not paid or underpaid and that involuntary servitude is reported to exist in some isolated areas.

50. **In light of article 32 of the Convention, the Committee recommends that the State party:**

(a) Continue to undertake measures to prevent and combat all forms of economic exploitation of children;

(b) Complete the ratification process and implement ILO Convention No. 138 concerning Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; and

(c) Seek assistance from ILO/IPEC in this regard.

Juvenile justice

51. The Committee, while noting that the Government is in the process of drawing up a new criminal code and a code of criminal procedure specific to juveniles, expresses its concern that adult offenders and juvenile delinquents are treated the same and that the budget allocated to juvenile justice is small. It further notes that judges are not informed about alternatives to detention and that there is little resort to diversion programmes or similar out-of-court procedures for dealing with juvenile delinquents. While noting the positive development of the

establishment of the Beyla Centre for the recovery and reintegration of children in conflict with the law in Nouakchott, it remains concerned at the high rates of recidivism, and further notes that children detained in the interior of the country are often kept with adults and subjected to ill-treatment.

52. **The Committee recommends that the State Party:**

(a) Undertake all necessary measures to ensure the prompt adoption of a new criminal code and a code of criminal procedure specific to juveniles, i.e. all persons under 18, and allocate adequate human and financial resources for their implementation;

(b) Take additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(c) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty, including those pertaining to conditions of detention; and ensure that children are separated from adults and remain in regular contact with their families while in the juvenile justice system;

(d) Use alternative measures to pre-trial detention and other forms of deprivation of liberty whenever possible;

(e) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(f) Make every effort to establish a programme of rehabilitation and reintegration of juveniles following justice proceedings; and

(g) Request technical assistance in the area of juvenile justice and police training from, among others, OHCHR, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

Optional Protocols

53. **The Committee encourages the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.**

9. Dissemination of documents

54. Finally, **the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered and the concluding observations adopted thereon by the Committee, along with the relevant summary records. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs and children.**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Kenya

1. The Committee considered the initial report of Kenya (CRC/C/3/Add.62), received on 13 January 2000, at its 725th and 726th meetings (see CRC/C/SR.725-726), held on 26 September 2001 and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of the State party which followed the established guidelines. The Committee welcomes the written replies to its list of issues (CRC/C/Q KEN/1), which allowed for a clearer understanding of the situation of children in the State party. The Committee is encouraged by the constructive dialogue it had with the State party and the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the rights of children in the State party.

B. Positive aspects

3. The Committee notes with appreciation that the State party has put in place a Poverty Eradication Plan and has developed a Poverty Reduction Strategy for the period 2000-2003 to address increasing poverty, focusing primarily on basic social services.

* At the 749th meeting, held on 12 October 2001.

4. The Committee notes the efforts of the State party to facilitate the participation of NGOs in the promotion and implementation of programmes for children, including the National Programme of Action for Children established in 1992. In this regard, the Committee welcomes the collaborative process undertaken in the preparation of the State party report, involving approximately 1,500 stakeholders, including NGOs and children themselves.

5. The Committee welcomes the establishment in 2000 of the Family Division of the High Court to provide greater protection for children in custody, adoption and divorce matters.

6. The Committee welcomes the setting up of a crisis desk and a hotline service to receive reports from child victims of abuse, including sexual abuse. In this regard, the Committee also welcomes the establishment, in cooperation with civil society, of a peace house for abused children.

7. The Committee welcomes the National AIDS Control Council and the National Agency for the Campaign against Drug Abuse.

8. The Committee notes that budgetary allocations for social services have improved over the past three years despite the challenges faced by the country.

C. Factors and difficulties impeding the implementation of the Convention

9. The Committee acknowledges that the economic and social difficulties - inter alia the ethnic clashes in 1997 - facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular it notes the impact of high external debt payments, pressures exerted by structural adjustment, increasing levels of unemployment, the deteriorating economic conditions and rampant corruption, especially on children belonging to the most vulnerable groups. The existence of more than 40 different ethnic groups seems also to be a major difficulty in the implementation of the Convention and in enacting adequate domestic legislation, particularly because they have their own customary laws.

D. Subjects of concern and committee recommendations

1. General measures of implementation

Legislation

10. The Committee notes that the State party has undertaken a review of the Constitution and of the legislation. In 1994, the Kenya Law Review Commission recommended improvements to give effect to the provisions of the Convention. The Committee further notes that the State party subsequently drafted the Children Bill, the Domestic Violence (family protection) Bill, the Industrial Properties Bill, the Refugee Bill, the Criminal Law Amendment Bill and the Bill on People with Disabilities. The Committee is concerned, however, that these bills are still undergoing review and must be discussed by Parliament before being enacted. The Committee expresses concern about the insufficient information on the status of the different systems of family law and their compatibility with the Convention on the Rights of the Child.

11. **The Committee recommends that the State party reinforce its efforts to ensure that domestic law, including constitutional provisions, fully conforms with the provisions and principles of the Convention on the Rights of the Child, and eliminate any incompatibility in the different systems of family law. The Committee encourages the State party to expedite the enactment of the pending legislation that has a direct impact on the rights of children and to ensure that any new legislation includes the principles of the Convention, as well as a rights based approach. It also encourages the State party to implement that legislation in the most effective way and to make available the necessary human and financial resources. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights (OHCHR) and UNICEF.**

Coordination

12. The Committee notes with concern that the State party has not established a mechanism to coordinate the implementation of the Convention. While the Committee notes that the Children's Department is the agency responsible for the rehabilitation, protection and care of children, it is concerned about the inadequate resources (financial and human) allocated for the effective functioning of that Department.

13. **The Committee recommends that the State party set up an effective mechanism of coordination for the implementation of the Convention and take all measures to strengthen the resources (financial and human) allocated to the Children's Department to facilitate effective coordination and implementation of the Convention at the national and local levels.**

Data collection

14. The Committee notes the State party's Population and Housing Census conducted in 1999. It is concerned, however, that insufficient efforts have been made to ensure the systematic collection of disaggregated data on all aspects of the Convention and the use of such data in monitoring and evaluating legislation, policies and programmes adopted with respect to children.

15. **The Committee recommends that the State party strengthen its efforts to collect systematically data disaggregated by gender, age, minority groups and rural and urban areas, incorporating all the areas covered by the Convention and covering all children below the age of 18 years, with specific emphasis on those who are vulnerable, in particular children with disabilities and refugee children. The State party should also develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies that affect children. In this context, the Committee recommends that the State party seek technical assistance from, inter alia, the United Nations Population Fund (UNFPA), UNDP and UNICEF.**

Monitoring mechanisms

16. The Committee notes that the State party established a Standing Committee on Human Rights (SCHR) in 1996 to investigate alleged human rights violations, to advise the Government on all human rights matters and to increase public awareness about the issue. The Committee is concerned that insufficient resources (financial and human) have been allocated for the effective functioning of the SCHR. The Committee notes with concern that the SCHR has no specific responsibilities with regard to children and that the SCHR is not easily accessible to children.

17. **The Committee encourages the State party to allocate adequate financial and human resources to the Standing Committee on Human Rights (SCHR) to ensure its effective functioning. The Committee further suggests that the State party should consider reviewing the status of the Committee and establishing an independent national human rights institution in accordance with the Paris Principles (General Assembly resolution 48/134) which would be competent to monitor and evaluate progress in the implementation of the Convention at the national level and, if appropriate, at the local level and to receive and investigate complaints of violations of child rights in a child-friendly manner, and to address them effectively. Meanwhile, the State party should take effective measures to ensure that the SCHR is easily accessible and child-sensitive in dealing with complaints of violations of the rights of children and in providing remedies for such violations in all regions of the country. The Committee further suggests that the State party initiate an awareness raising campaign about the SCHR and to facilitate its effective use by children. The Committee encourages the establishment of a focal point on children within the SCHR to monitor child rights. Finally, the Committee suggests that the State party consult further with OHCHR and seek technical assistance from UNICEF, among others.**

Resources for children

18. The Committee is aware of the economic and social challenges facing the State party, including high and increasing poverty levels, as well as high debt payments. It remains concerned, however, that in the light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources, at both the national and local levels, in the best interests of children "to the maximum extent of ... available resources".

19. **In the light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, especially children from economically and geographically disadvantaged groups, to the maximum extent of available resources at both the national and local levels, where necessary within the framework of international cooperation.**

Dissemination of the Convention

20. The Committee notes with appreciation the initiatives of the State party to promote awareness of the principles and provisions of the Convention, including through traditional

means of communication. The Committee also notes with satisfaction that the Convention has been translated into Kiswahili and over 20,000 copies distributed. However, the Committee is concerned that professional groups, children, parents and the general public are still not sufficiently aware of the Convention and the rights-based approach enshrined therein.

21. **The Committee recommends that the State party strengthen its efforts to ensure that the principles and provisions of the Convention are widely known and understood by adults and children alike. In this regard, the Committee recommends the reinforcement of adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists, social workers, personnel of childcare institutions, and traditional or community leaders. The Committee also recommends that the State party incorporate human rights, especially the Convention on the Rights of the Child in the school curricula at all levels. The Committee suggests that the State party seek technical assistance from, inter alia, OHCHR, UNESCO and UNICEF.**

2. Definition of the child

22. The Committee is concerned about the various legal minimum ages which are inconsistent, discriminatory and/or too low. In particular, the minimum age of eight years for criminal responsibility is too low.

23. **The Committee recommends the State party take the necessary legislative measures:**

(a) To increase the legal age for criminal responsibility and for sexual consent;

(b) To correct the disparity between the legal minimum ages for marriage of boys and girls, preferably by increasing the legal minimum age for marriage of girls under the Marriage Act (Laws of Kenya, chap. 150) and the Hindu Marriage and Divorce Act (Laws of Kenya, chap. 157);

(c) To establish clear minimum ages for marriage under Islamic and customary laws, employment, especially with respect to apprenticeship programmes, and compulsory education.

3. General principles

Non-discrimination

24. The Committee notes that the State party established a task force in 1993 to undertake a review of the law to ensure non-discrimination against women and initiate statutory reforms with regard to gender discrimination. The Committee is concerned, however, that the principle of non-discrimination is not adequately implemented with respect to certain vulnerable groups of children, especially girls, children born out of wedlock, children with disabilities, children of economically disadvantaged families, children in conflict with the law, children living in institutions, street children, child victims of abuse, refugee and asylum-seeking children, children

belonging to ethnic minorities, and those living in rural areas. Finally, the Committee is concerned that the constitutional guarantee of equal treatment does not cover various tribal, traditional customs and practices associated with, for example, fostering, marriage and divorce that constitute a major challenge for the full realization of children rights in the State party.

25. **The Committee recommends that the State party take effective measures to implement laws, policies and programmes to guarantee the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to vulnerable groups of children and traditional tribal customs, practices and rituals.**

26. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of General Comment No. 1 on article 29.1 of the Convention (the aims of education).**

Right to life, survival and development

27. The Committee notes that the State party has established various programmes under the National Programme of Action for Children to ensure the survival and development of children. However, it is concerned that the Programme has not been sufficiently implemented and that the impact of HIV/AIDS, mounting economic challenges and other socio-economic difficulties continue to threaten the right to life, survival and development of children in the State party, especially those living in rural areas and increasingly those living in crowded urban centres.

28. **The Committee encourages the State party to reinforce its efforts to provide greater protection and support to children whose right to life, survival and development is unduly threatened by the difficult socio-economic realities of the State party. In this connection, the Committee recommends that the State party take all effective measures to strengthen its technical cooperation with, inter alia, UNICEF, UNAIDS, UNDP and WHO.**

Respect for the views of the child

29. The Committee notes with concern that, inter alia, traditional practices and attitudes still limit the full implementation of article 12 of the Convention.

30. **The Committee recommends that the State party develop a systematic approach to increasing public awareness of the participatory rights of children, particularly at the local level and in traditional communities, and encourage respect for the views of the child in the family, in schools and care institutions, and in the judicial system. The Committee further recommends that the State party introduce child-sensitive hearings for placement decisions and in courts and take into account the views of the child, according to their maturity and age.**

4. Civil rights and freedoms

Birth registration

31. The Committee notes that the law provides for the registration of children at birth and that the State party has initiated campaigns to raise awareness about the importance of birth registration. However, it is concerned that many children are not registered, particularly those born at home and those living in rural communities.

32. **In the light of articles 7 and 8 of the Convention, the Committee recommends that the State party strengthen its efforts to raise awareness among government officers, midwives, community and religious leaders, and parents themselves, to ensure that all children are duly registered at birth. The Committee also recommends that the State party make the birth registration procedure less costly and more accessible.**

Corporal punishment

33. While the Committee notes that corporal punishment has been formally banned in schools (April 2001) as a matter of policy, it is deeply concerned that this form of punishment continues to be practised in schools, as well as in the juvenile justice system, in the family and in care institutions, with resulting cases of permanent injury and even death.

34. **The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment, in the juvenile justice system, in schools and care institutions, and in the family. The Committee also recommends that the State party monitor the ban on corporal punishment in schools. The Committee encourages the State party to reinforce its public awareness campaigns to promote positive, participatory, non-violent forms of discipline as an alternative to corporal punishment at all levels of society.**

Torture and inhuman or degrading treatment or punishment

35. The Committee is concerned about the incidence of police brutality, particularly against street children, refugee children and those in conflict with the law. Concern is also expressed at the inadequate enforcement of existing legislation to ensure that all children are treated with respect for their physical and mental integrity and their inherent dignity.

36. **The Committee strongly recommends that all appropriate measures be taken to implement fully the provisions of articles 37 (a) and 39 of the Convention. In this regard, the Committee recommends that greater efforts be made to prevent all forms of torture and inhuman or degrading treatment by the police and facilitate the recovery of child victims through, inter alia, rehabilitation and reintegration. Additionally, it is recommended that the State party effectively investigate these cases and ensure that perpetrators of such brutality against children are brought to justice.**

5. Family environment and alternative care

Protection of children deprived of a family environment

37. The Committee expresses concern at the increasing number of children deprived of a family environment and at the absence of a distinction between children in need of special protection and child offenders in legal proceedings. Concern is also expressed at the inadequate facilities and services for children in need of special protection, as well as at the State practice of placing such children in juvenile remand facilities or police stations, which are considered places of safety. The Committee also notes with concern the absence of an independent complaint mechanism for children in alternative care institutions, the inadequate review of their placement in institutions and the lack of trained personnel in this field. Concern is also expressed at the insufficient financial and human resources allocated for alternative care.

38. **The Committee recommends that the State party take effective measures to improve alternative care, including through the allocation of adequate financial and human resources. It further recommends that the State party provide additional training, including in children rights, for social and welfare workers, ensure the periodic review of placements in institutions and establish an independent complaints mechanism for children in alternative care institutions. Additionally, the Committee recommends that the State party take effective measures to ensure that children in need of care are not kept in juvenile remand facilities or police stations and encourages the efforts to make procedural and substantive distinction between children in need of special protection and child offenders.**

Adoptions and foster care

39. While noting that the Adoption Act (Laws of Kenya, chap. 143) provides for the regulation of adoption (domestic and intercountry), the Committee expresses concern that informal adoptions are more widely accepted and practised within the State party. While the Committee notes that "informal foster care" takes place within the extended family system, it is concerned that the State party has not established an effective foster care programme.

40. **In light of article 21 of the Convention, the Committee recommends that the State party strengthen administrative procedures for formal domestic adoptions to prevent abuse of the practice of private and informal adoption and guarantee the protection of the rights of children. In the light of the increasing number of children deprived of a family environment, the Committee encourages the State party to promote and encourage formal adoptions and to establish an effective foster care programme. Additionally, the Committee encourages the State party to accede to the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption.**

Abuse/neglect/abandonment/maltreatment/violence

41. The Committee is concerned about the high and increasing incidence of physical and sexual abuse of children, including in schools and care institutions. Concern is also expressed

about the lack of awareness and information on domestic violence, ill-treatment and abuse (sexual, physical and psychological) of children and the insufficient financial and human resources allocated for programmes to combat abuse of children.

42. **In the light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse (including sexual abuse within the family) in order to adopt adequate policies and contribute to changing attitudes. The Committee encourages the State party to consider introducing an effective reporting system for child abuse cases, including sexual abuse of children. It also recommends that cases of domestic violence, ill-treatment and abuse of children be properly investigated in a child-sensitive judicial procedure and sanctions applied to perpetrators, with due regard given to protecting the right to privacy of the child. In accordance with article 39 of the Convention, measures should be taken to ensure the rehabilitation of victims and of perpetrators. Efforts should also be made to prevent the criminalization and stigmatization of children who are victims of abuse. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF, WHO and UNDP.**

6. Basic health and welfare

Right to health and access to health services

43. The Committee notes the efforts of the State party to improve health care for children through, inter alia, the Health Policy Framework, the Expanded Programme on Immunization, and the National Plan of Action for Nutrition. However, the Committee is concerned about the insufficient numbers of trained medical personnel; the high maternal, infant, and under-five mortality rates; the high rate of malnutrition; the increasing incidence of HIV/AIDS; the high incidence of malaria and acute respiratory infections; and poor sanitation and limited access to safe drinking water, especially in rural areas. It is also noted with concern that the State party's cost-sharing policy has limited access to basic health care, especially for poor families.

44. **The Committee recommends that the State party allocate appropriate resources to reinforce its policies and programmes to reduce the high rate of malnutrition and improve health care for children. Additionally, the State party should take all effective measures to increase the numbers of trained medical and other health personnel, including traditional healers; facilitate cooperation between trained medical personnel and traditional healers, especially midwives; reduce the incidence of maternal, infant and under-five mortality; prevent and combat malnutrition; increase access to safe drinking water; improve sanitation; and reduce the incidence of malaria and acute respiratory infections. Additionally, the State party should take effective measures to facilitate greater access to health services by, inter alia, abolishing or rationalizing cost sharing in primary health care to reduce the burden on poor families. The Committee encourages the State party to seek technical cooperation for the Integrated Management of Childhood Illnesses and for other measures for child health improvement from, inter alia, WHO and UNICEF.**

Adolescent health

45. The Committee expresses its concern with respect to the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including early marriage and pregnancy, HIV/AIDS and sexually transmitted diseases (STDs), abortion, violence, suicide, mental health, and alcohol and substance abuse. The Committee is also concerned at the increasing number of orphans due to HIV/AIDS and at the decrease in expenditure for HIV/AIDS control.

46. **The Committee recommends that the State party strengthen adolescent health policies, including reproductive health education. Further, the Committee suggests that a comprehensive and multidisciplinary study be undertaken to assess the extent of adolescent health problems, including the special situation of children infected and/or affected by HIV/AIDS and STDs. Additionally, it is recommended that the State party allocate adequate human and financial resources to increase the number of social workers and psychologists and to develop youth-sensitive care, counselling and rehabilitation facilities for adolescents. It is further recommended that the State party seek technical assistance from, inter alia, UNICEF and WHO.**

Female genital mutilation

47. The Committee is deeply concerned that female genital mutilation is not prohibited by law and is still widely practised in the State party. Concern is also expressed about the persistent practice of other harmful traditional practices, including early and forced marriages.

48. **The Committee recommends that the State party take legislative and awareness-raising measures to prohibit and eradicate the practice of female genital mutilation and other traditional practices harmful to the health, survival and development of children, boys as well as girls. The Committee urges the State party to introduce sensitization programmes for practitioners and the general public to change traditional attitudes and discourage harmful practices.**

Children with disabilities

49. The Committee welcomes the establishment of a National Fund for the Disabled but is concerned about the inadequate legal protection and the insufficient policies, facilities and services for children with disabilities. Concern is also expressed at the limited number of teachers trained to work with children with disabilities, as well as at the insufficient efforts made to facilitate the inclusion of such children in the educational system and generally in society. The Committee also notes with concern the inadequate resources allocated to special education programmes for children with disabilities.

50. **In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee at its day of general discussion on the rights of children with disabilities (CRC/C/69, para. 338), it is recommended that the State party:**

(a) Take effective measures to collect adequate statistical data on children with disabilities and to ensure the use of such data for the prevention of disabilities, and in the development of policies and programmes for these children;

(b) Reinforce its efforts to develop early detection programmes to prevent disabilities;

(c) Implement alternatives to the institutionalization of children with disabilities;

(d) Establish special education programmes for them and where feasible, include them in the regular school system;

(e) Undertake awareness raising campaigns to sensitize the public about the rights and special needs of children with disabilities and children with mental health concerns;

(f) Increase the resources (financial and human) allocated to special education and enhance the support given to the families of children with disabilities;

(g) Seek technical cooperation for the training of professional staff, including teachers, working with and for children with disabilities, from, inter alia, WHO.

Right to an adequate standard of living

51. The Committee is concerned about widespread poverty and the increasingly high numbers of children in the State party who do not enjoy the right to an adequate standard of living, including children belonging to poor families, AIDS orphans, street children, internally displaced children, children of ethnic minorities and children living in remote rural communities.

52. **In accordance with article 27 of the Convention, the Committee recommends that the State party reinforce its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of living. In this connection, the Committee recommends that the State party pay particular attention to the rights and needs of children in the implementation of the Poverty Eradication Plan, the Poverty Reduction Strategy and all other programmes intended to improve the standard of living in the country. In this regard, the Committee encourages the State party to coordinate its efforts with civil society and local communities.**

7. Education, leisure and cultural activities

Right to and aims of education

53. While the Committee notes that the Education Act is currently under review, it is concerned that the law does not fully guarantee the right to education. The Committee expresses concern about the non-increase (in percentage) of the budget for education and about the introduction of cost-sharing in education which further limits access to education, especially for

girls, children from economically disadvantaged families and those living in remote rural communities. Concern is also expressed regarding low enrolment and high drop-out and repetition rates; insufficient numbers of trained teachers; insufficient schools and classrooms; and the lack of relevant learning material. In the light of article 29.1 of the Convention, the Committee is also concerned about the quality of education in the State party. The Committee notes with regret the reported incidents of sexual abuse and exploitation of children in the school environment.

54. **The Committee urges the State party to take legal and other measures to guarantee the right to education for all children in its territory, in particular free and compulsory primary education. The Committee recommends that the State party take effective measures, including the allocation and distribution of adequate financial, human and technical resources, to enhance the quality of education, to decrease the repetition and drop-out rates, and to ensure that all children enjoy the right to education. It is further recommended that the State party reinforce its efforts to increase access to education by, inter alia, abolishing cost-sharing in primary education and rationalizing it in secondary and tertiary education. The State party should pay particular attention to the quality of education, in the light of article 29.1 and the Committee's General Comment on the aims of education. The Committee strongly encourages the State party to take effective measures to protect children, especially girls, against sexual abuse and violence in the school environment and to facilitate care and the rehabilitation of child victims in this regard. It is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO.**

8. Special protection measures

Refugee, asylum-seeking, unaccompanied and internally displaced children

55. The Committee recognizes the efforts of the State party, in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), to accommodate refugees, including unaccompanied minors. However, the Committee remains concerned about the inadequate standards, procedures and policies to guarantee and protect the rights of refugee, asylum-seeking and unaccompanied children, including their access to adequate education, health and other social services. Concern is also expressed regarding the prevalence of sexual abuse and violence against girls in and around refugee camps. The Committee notes the establishment of the Presidential Commission on Ethnic Clashes (1998) to investigate the causes of ethnic clashes in various regions of the State party in 1992, 1997, and 1998, as well as the actions taken by officials, including the police, during the clashes. However, the Committee is concerned that insufficient efforts have been made to ensure the resettlement of families who were displaced during these clashes and continue to live in camps. Finally, the Committee is concerned at the decrease in the funds provided by UNHCR, which has a negative impact on the rights of child refugees, such as the right to food.

56. **The Committee recommends that the State party take effective legal and other measures to ensure adequate protection of refugee, asylum-seeking and unaccompanied children, especially girls, and to implement further policies and programmes to guarantee their adequate access to health, education and social services. The Committee further**

recommends that the State party review its standards and procedures in the asylum process to ensure consistency with international standards and to introduce special procedures for refugee children, especially those separated from their families. The Committee urges the State party to reinforce its resettlement programme to provide lasting relief for internally displaced families and guarantee their rights to adequate housing, education, health and social services. The Committee encourages the State party to undertake efforts to reinforce its cooperation with UNHCR.

Street children

57. The Committee expresses grave concern at the high and increasing numbers of street children. In particular, the Committee notes their limited access to health, education and other social services, as well as their vulnerability to police brutality, sexual abuse and exploitation, economic exploitation and other forms of exploitation

58. **The Committee recommends that the State party:**

(a) Take all effective measures to ensure that street children are provided with a suitable programme of assistance, with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development;

(b) Ensure that these children are provided with: preventive and rehabilitative services with respect to physical, sexual and substance abuse; protection from police brutality; services for reconciliation with their families; and education on their rights;

(c) Consider establishing a comprehensive strategy to address the high and increasing numbers of street children, with the aim of preventing and reducing this phenomenon.

Economic exploitation

59. The Committee notes with appreciation that the State party has signed a memorandum of understanding with ILO and that various ILO International Programme on the Elimination of Child Labour (IPEC) programmes to prevent and combat child labour are being carried out. The Committee also welcomes the establishment of a National Steering Committee on child labour. Nevertheless, and in the light of the current economic situation, the increasing number of school drop-outs and the increasing number of street children, the Committee is concerned about the large number of children engaged in labour and the lack of information and adequate data on the situation of child labour and economic exploitation in the State party. The Committee notes also with concern that notwithstanding various legal provisions there is no firm minimum age for admission to employment and that child labour is still prevalent in the State party.

60. **The Committee encourages the State party to introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation, particularly in the informal sectors. It is further recommended that the State party undertake a comprehensive study to assess the situation of child labour. The Committee**

urges the State party to establish a clear legal minimum age for employment, in particular for those working in the agricultural sector. The Committee encourages the State party to further develop and strengthen the collaboration with ILO/IPEC.

Sexual exploitation and sexual abuse

61. The Committee notes that the State party participated in the World Congress against Commercial Sexual Exploitation, held in Stockholm in 1996, and subsequently established a National Plan of Action to prevent and combat the commercial sexual exploitation of children. However, the Committee is concerned about the large and increasing number of child victims of commercial sexual exploitation, including prostitution and pornography, especially among those engaged in domestic labour and street children. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social reintegration of children who are the victims of such abuse and exploitation.

62. **In the light of article 34 and related articles of the Convention, the Committee recommends that the State party undertake studies with a view to assessing the scope of commercial sexual exploitation of children, including prostitution, child sex tourism and child pornography, and implementing appropriate preventive and rehabilitative policies and programmes for child victims. The Committee recommends that the State party reinforce its efforts in implementing the National Plan of Action formulated in accordance with the Declaration and the Agenda for Action adopted by the World Congress against Commercial Sexual Exploitation of Children at Stockholm in 1996.**

Administration of juvenile justice

63. The Committee notes with concern that the juvenile justice system does not cover the entire country and that there is only one juvenile court in the State party. While acknowledging the State party's efforts to implement a Diversion Programme for children in conflict with the law, the Committee also expresses its concern about the quality of the juvenile justice system generally.

64. **The Committee recommends that the State party:**

(a) Take all appropriate measures, including the enactment of the Children Bill, to implement a juvenile justice system in conformity with the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System;

(b) Use deprivation of liberty (institutionalization) only as a measure of last resort and for the shortest possible time and, in that regard, implement the Diversion Programme fully and with the widest scope possible, as an alternative to deprivation of liberty;

(c) Ensure that children remain in contact with their families while in the juvenile justice system;

(d) Introduce training programmes on relevant international standards for all professionals involved in the administration of juvenile justice;

(e) Abolish the use of corporal punishment in the juvenile justice system;

(f) Improve the conditions in detention facilities;

(g) Strengthen reparation, rehabilitation and reintegration programmes;

(h) Ensure that cases involving children in need of care and protection are not treated as criminal cases; and

(i) Consider seeking technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Co-ordination Panel on Technical Advice in Juvenile Justice.

9. Optional Protocols to the Convention on the Rights of the Child and amendment to article 43.2 of the Convention

65. The Committee notes that the State party has not ratified the two Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict, nor has it formally accepted the amendment to article 43.2 of the Convention to allow for the expansion of the Committee from 10 to 18 members.

66. **The Committee encourages the State party to ratify the two Optional Protocols to the Convention on the Rights of the Child, and to accept the amendment to article 43.2 of the Convention.**

10. Dissemination of documents from the reporting process

67. **Finally, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.**